

## A Message From the Director

I am pleased to introduce this updated edition of the Federal Bureau of Prisons *Judicial Guide*, which contains a great deal of information about the Bureau and the sentencing options it makes available to Federal courts.

The Bureau operates a wide range of facilities in order to provide a balanced set of confinement and program options to the courts. We want to be able to respond to a variety of sentencing goals in a humane manner, while ensuring public safety. When an offender is sentenced to our custody, we identify the degree of security and custody that individual requires, as well as any special needs he or she has. Our goal is to house each inmate in the least secure setting that meets our public safety obligation and still provides necessary programs. To do that, we have numerous institutional resources from which to draw — ranging from maximum-security prisons to minimum-security camps, from medical centers to programs that supervise select, non-dangerous offenders in the community.

After public safety and the safety of Bureau staff and inmates, our focus is on providing high-quality programs — in such areas as literacy, drug treatment, work, and vocational training — that offer confined offenders the opportunity to be better prepared to function lawfully in the community upon release. We carefully manage these programs through a system of policies and procedures that guide our employees as they perform their job duties. Our staff are our most important resource. They are well trained and carefully supervised; they respect the boundaries of their authority and maintain a high level of professionalism at all times.

An abridged publication of this type cannot discuss in detail the Bureau's many policies and procedures, or their legal and correctional management underpinnings. However, we would be pleased to provide detailed information about any of these areas upon request. Also, even though they are distributed to enhance communication among our widely dispersed staff, we produce several other publications that may be of interest to the Judiciary. These include a newsletter, *Monday Morning Highlights*, and an annual report, *State of the Bureau*. Federal judges and U.S. Probation officers who wish to be added to the mailing list for these publications should contact the Bureau's Office of Public Affairs (202-307-3198 or FTS: 367-3198). Finally, if you or your staff would like to visit any of our facilities, please contact me, the warden of the institution, or the community corrections manager in your area, and we will gladly arrange it.

Our relationships with Federal judges throughout the Nation are very important to us. Please let me know if there is any other way we can work together to make the Bureau of Prisons more responsive to the sanctioning needs of the Federal criminal justice system.

Kathleen M. Hawk

Director

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# Introduction

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Prior to the 1930 Act of Congress creating the Bureau of Prisons, there were seven Federal prisons — each separately funded and operated under local policies and procedures established by each warden. The 1930 Act directed the development of an integrated system of prisons to provide custody and programs based on the individual needs of offenders.

The Bureau fulfills this mandate with a confinement component involving 75 institutions — ranging from maximum-security penitentiaries to minimum-security camps — and with a community corrections component that manages programs, services, and facilities in the community.

This publication describes these institutions, each of which is intended to protect the community and to provide a safe, secure, and humane environment for both offenders and staff. While the Bureau of Prisons cannot compel offenders to change, it can and does make opportunities for change available to those who wish to take advantage of them.

In addition, this publication covers a number of other topics, including institutional life, inmate access to the courts, sentence computation, parole, and recidivism.

## *The Bureau of Prisons Mission*

The mission of the Bureau of Prisons is to protect society by confining offenders in the controlled environments of prison and community-based facilities that are safe, humane, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

The Bureau is able to carry out its mission because underlying its operations are a set of strong values, goals, and a clear understanding of its responsibilities.

## *The Agency's Core Values*

The Bureau of Prisons has a "culture" — a set of core values and shared attitudes that guides staff actions. These core values are a source of pride and professionalism to Bureau employees, as they see them reflected in safe, humane institutional operations, and the fair treatment of staff.

- ***Bureau of Prisons Family*** — Staff are the agency's most valuable resource in accomplishing its mission; the Bureau is committed to the personal welfare and professional development of each employee. A concept of "family" is encouraged through healthy, supportive relationships among staff and organizational responsiveness to employee needs.

- ***Sound Correctional Management*** — The Bureau maintains secure institutions and designates inmates to the lowest-security institutions that meet the inmates' security needs. This approach is the essential foundation of all sound correctional management programs.

- ***Correctional Workers First*** — All Bureau employees are correctional workers and, as such, they have a responsibility for maintaining safe and secure institutions and for modeling society's mainstream values and norms to inmates.

- ***Integrity*** — The Bureau firmly adheres to a set of values that promotes honesty, integrity, and professionalism in order to ensure public confidence in its programs and in the agency's prudent use of its allocated resources.

- ***Dignity*** — Recognizing the inherent dignity of all human beings and their potential for change, the Bureau treats inmates fairly and affords them opportunities for self-improvement to facilitate successful re-entry into the community. The Bureau recognizes

that incarceration is, in and of itself, the punishment imposed; inmates should not be further punished through the Bureau's actions.

- **Career Service Orientation** — The Bureau is a career service agency that has benefitted from a consistent management philosophy and a continuity of leadership that has enabled it to evolve as a stable, professional leader in the field of corrections.

- **Community Relations** — The Bureau recognizes the integral role of the community in accomplishing the agency's mission and works cooperatively with other law enforcement agencies, the courts, and other components of government.

- **High Standards** — The Bureau requires high standards of safety, security, sanitation, and discipline, which together promote a physically and emotionally sound environment for both staff and inmates.

## The Agency's Goals

The Bureau has developed six major organizational goals that are designed to help it accomplish its mission.

**Goal 1: Population Management** — The Federal Bureau will proactively manage its offender population to ensure safe and secure operations. This goal will be accomplished through:

- Placement of offenders in facilities commensurate with their security and program needs through an objective system of classification.
- Utilization of intermediate punishments.
- Facility development plans ensuring that sufficient design capacity is available at each security level.

**Goal 2: Human Resource Management** — The Bureau will have a competent and representative workforce meeting the organization's needs up to and

beyond the year 2000. This goal will be accomplished through a strong emphasis on:

- Effective recruitment.
- Affirmative action.
- Equality in developmental opportunities for staff to achieve their potential.
- Training opportunities and enhancement of the abilities of individual employees.
- Respect for the rights of staff and positive labor relations.
- Employee benefits.
- Succession planning.

**Goal 3: Security and Facility Management** — The Bureau will maintain its facilities in operationally sound condition and in compliance with security, safety, and environmental requirements. Accomplishment of this goal will result in:

- Protection of the public.
- A safe working environment for staff.
- A safe living environment for inmates.
- Increased longevity of facilities.

**Goal 4: Correctional Leadership and Effective Public Administration** — The Bureau will manage its operations and resources in a competent and effective manner that encourages both creativity and innovation in development of exemplary programs, as well as excellence in maintaining the basics of correctional management. The Bureau continually strives toward improvements in its effective use of resources and its efficient delivery of services. This goal will be accomplished through:

- Strategic planning.

- Application of automation and new technologies.
- Systematic program reviews.
- Responsiveness to constituents.
- A continual improvement in its ability to manage change.
- Expanded program activities by the National Institute of Corrections.
- Volunteers and volunteer organizations.
- The many Federal, State, and local agencies whose services affect or are affected by the incarceration of offenders and their reintegration into the community.

**Goal 5: *Inmate Programs and Services*** — The Federal Bureau of Prisons addresses inmate needs by providing activities that productively structure inmate time and by facilitating the successful reintegration of inmates into society, consistent with community expectations and standards. This goal will be accomplished through continual refinement of:

- The identification of special-needs offenders.
- Opportunities for educational and vocational self-improvement.
- Productive work activities.
- Drug and mental health counseling and services.
- Quality medical care.
- Community reintegration activities.

**Goal 6: *Building Partnerships*** — The Federal Bureau of Prisons will continue to seek opportunities for expanding the involvement of the community — as well as local, State, and Federal agencies — to improve the effectiveness of the services it provides to offenders and constituent agencies. The Federal Bureau of Prisons will develop partnerships to support inmates as they reintegrate into the community. The goal will be accomplished through proactive relationships with:

- Community relations groups and organizations.



# Correctional Responsibility

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The Bureau shares with the community and the inmate some responsibility for rehabilitation. The agency seeks to provide inmates with the tools for self-improvement and for achieving a law-abiding lifestyle upon release.

The community has the responsibility for supporting offenders while they are incarcerated, as well as accepting them back into society in a meaningful and non-stigmatizing way. Community members are encouraged to volunteer their time and skills to institutions to provide substantive programs as well as serve as positive role models. Volunteers often model and validate the behaviors and values that institution staff seek to convey through formal institution programs.

Communities also provide support through such programs as Alcoholics Anonymous and Prison Fellowship. In addition, citizens support prisoners through the ties of family and friendship — reassuring inmates that they remain a part of the community despite physical separation from it. Another important means of support takes place once inmates are released; the community needs to give inmates a second chance by making employment and housing opportunities available to them after they have served their sentences.

In order for institutional programs to be effective, and for community support to take root, inmates must choose to better themselves. Inmates must try to maintain family and community ties through correspondence and visitation, and they must plan for release, with the assistance of pre-release classes.

Each inmate is personally responsible for taking advantage of available institutional programs — the "tools" provided. Then, upon release, the offender must choose not to commit another crime, to find meaningful employment, to adhere to conditions of supervision, and to lead a productive life as a law-abiding citizen. Neither institution staff nor the

community at large can make these crucial decisions. These are the responsibility of the inmate.

If any of the three parties involved — the institution, the community, or the inmate — fails to shoulder its responsibility, then the chances for success after release from prison are diminished. In the final analysis, the offender bears the ultimate responsibility for his or her success upon release.

# The Bureau of Prisons Today

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The Bureau's Central Office in Washington, D.C., provides leadership, long-range planning, facility development, policy formulation, and coordination for the nationwide network of Federal correctional facilities and community resources. For operational efficiency, the Bureau is divided into six geographical regions, each headed by a regional director.

Staff in the Regional Offices provide technical support and on-site assistance to field locations. Regional Offices are located in Philadelphia, Pennsylvania; Annapolis Junction, Maryland (near Baltimore); Atlanta, Georgia; Dallas, Texas; Kansas City, Kansas; and Dublin, California (near San Francisco).

The National Institute of Corrections (NIC) has a mission to provide advisory and technical support to State and local correctional agencies throughout the country. NIC provides its constituent agencies with nationwide programs and services that primarily entail technical assistance, training, and some grants. NIC also operates the National Academy of Corrections, the NIC Information Center, and the National Jail Center, all of which currently are located in Longmont, Colorado.

The Bureau's inmate population is growing tremendously, substantially exceeding the design capacity of the agency's institutions. The agency is expected to continue a decade-long pattern of rapid growth, with its total institution population (which does not include those in community corrections) reaching 109,000 inmates by 1997, 117,000 by 1999, and almost 130,000 by 2003.

## ***Population Profile***

In December 1994, the agency's inmate population had the following overall profile.

- 93.1 percent were male and 6.9 percent female.

- 60.4 percent were white, 36.7 percent black, and 2.9 percent were of other races.
- 25.7 percent were Hispanic.
- 75.7 percent were U.S. citizens and 23.5 percent were non-citizens.
- the average inmate age was 37.
- The average age at first arrest was 21. (According to 1991 Federal Inmate Survey.)
- The average number of prior adult commitments was 2.4. (According to 1991 Federal Inmate Survey.)
- 94.8 percent were U.S. Code violators (the remainder were State, territorial, and District of Columbia cases).
- 2.7 percent were parole or probation violators.
- 27.8 percent were serving less than 5 years.
- 10.2 percent were serving sentences over 20 years.
- 2.3 percent were serving life sentences.
- 61.4 percent were convicted of drug law violations (up from 25 percent in 1980).
- 10.7 percent were serving sentences for robbery.
- In 1994, the Bureau-wide, average daily cost for maintaining a prisoner was \$58.50 or \$21,352 per year.

## ***Non-Citizen Inmates***

Currently, 23.5 percent of the Federal Prison population is made up of non-citizen inmates. The majority of these inmates come from three countries: Mexico, Colombia, and Cuba. These inmates often present unique management problems, and the Bureau supports efforts to reduce the numbers of foreign nationals in Bureau facilities. The Bureau has been cooperating with the Executive Office of Immigration Review and has established institution hearing programs at BOP facilities in an effort to complete deportation proceedings prior to the inmate's release date, allowing for expeditious deportation at the end of his or her sentence. If the inmate is not to be deported, then there is sufficient time to do meaningful release planning.

Voluntary transfer is authorized, under 18 U.S.C. §§4100-4115, to countries with which the United States has treaty transfer agreements. There is no provision allowing for involuntary transfer.

### ***Expansion Program***

The Bureau is committed to ensuring that Federal inmates serve their sentences in a safe and humane environment. During the current period of rapid growth, the Bureau has taken every possible action to reduce institutional crowding to manageable proportions. These steps include expanding existing institutions, increasing the use of contract facilities, acquiring surplus properties, and constructing new institutions. Among the new institutions are several correctional complexes, each consisting of four facilities of different security categories located at a single site.

In 1993, Congress approved funding to add more than 7,000 low-security beds at six new facilities and perform two expansions at existing institutions. More than 40,000 beds are now under some phase of development, to be completed by 1998.

The expansion of community corrections programs has been an important trend in the Federal system in recent years. Housing thousands of non-violent offenders in

contract community programs has significantly reduced the level of crowding in lower-security facilities.

### ***Pretrial Detention***

The Bureau and the Department of Justice recognize that the lack of Federal detention bedspace is a major concern, and that in many districts, this has become a contentious issue. This problem has been caused by a dramatic increase in recent years in the number of Federal case filings. Moreover, the situation is compounded by growing inmate populations in State and local systems that have substantially reduced the number of beds available to the U.S. Marshals Service in non-Federal institutions.

The Bureau's Metropolitan Detention and Correctional Centers, located in major urban areas, already house many Federal detainees. In other locales, the Bureau has established jail units within Bureau institutions.

The Bureau, the U.S. Marshals Service, and the U.S. Immigration and Naturalization Service worked cooperatively under the direction of the Deputy Attorney General to develop a 5-year plan to alleviate the shortage of detention bedspace. The plan places particular emphasis on prioritizing and developing necessary detention resources in key districts. The courts can assist with this issue by being receptive to recommendations for the use of pretrial services resources and other appropriately structured community supervision alternatives for non-dangerous offenders.

### ***Staffing***

The Bureau emphasizes professionalism and high-quality recruitment and training for employees at all levels. The agency's Human Resource Management Division uses an approach now taken by many public and private sector organizations. This approach emphasizes national recruitment, selection, training, and retention programs, and improves the integration

of human resource policy issues with other agency-wide policy developments.

College and specialty recruiting are major features of the agency's efforts to continue to professionalize its staff; one third of all Bureau staff have attended college. The recruitment and retention of qualified minority, female, and disabled employees has also been a hallmark of the Bureau over the years. As of January 1, 1994, the percentage of minorities employed by the Bureau was 31.7 percent, and its workforce was 26.6 percent female.

The agency's staff training network is composed of the Staff Training Operations Office in Washington, D.C.; a Staff Training Academy at the Federal Law Enforcement Training Center in Glynco, Georgia; a satellite Staff Training Academy at the Federal Law Enforcement Training Center in Artesia, New Mexico; and a Management and Specialty Training Center in Aurora, Colorado.

All new employees are required to participate in several weeks of formal training courses during their first 45 days with the Bureau. The first portion of that training is a minimum 40-hour course at the local institution. This course is entitled "Institution Familiarization" and is designed to teach employees skills that they must have prior to entering a specific job assignment. New staff then attend "Introduction to Correctional Techniques" at the agency's Staff Training Academy at Glynco. There, new staff are taught correctional theory and Bureau policy, and participate in practical training in firearms, self-defense, and basic correctional skills.

Specialty training is another important part of maintaining the professionalism of the agency's staff throughout their careers. At Glynco's satellite facility in Artesia, staff are trained in specialty subjects such as bus operations, firearms, use of the side-handle baton, and disturbance control techniques. At the Aurora training center, mid- to upper-level staff receive technical and management training in food service management, financial management, locksmithing, and computer operations; they also enroll in a wide array

of courses that cover every discipline that exists at BOP institutions. There is also a paralegal training program.

### ***Assistance to States***

The Bureau serves the larger criminal justice community through the National Institute of Corrections (NIC). NIC provides advisory and technical support, as well as assistance, training, and grants, to State and local corrections agencies throughout the country.

NIC is divided into three divisions, reflecting the major areas of corrections. The Prisons and the Community Corrections Divisions are located in Washington, D.C., and the Jail Division in Longmont, Colorado. Longmont also is the site of the National Academy of Corrections and the NIC Information Center.

Most of NIC's training programs are provided at the National Academy of Corrections, although programs are also offered regionally for State and local corrections practitioners. NIC's Annual Plan describes the courses that will be offered during each fiscal year and provides information about the application and selection procedures for participants. Copies of this plan, training schedules, and additional information about programs can be obtained from the Washington, D.C., office or the office in Longmont, Colorado. The Washington office can be contacted at 202-307-3106 (or FTS: 367-3106) and the Information Center at 303-939-8877. The Jail Center can be contacted at 303-939-8866 and the National Academy at 303-939-8855.

### ***Assistance to Federal Courts***

The Bureau provides, through contract facilities, Community Corrections Centers (CCC's) that offer a broad spectrum of programs for low-risk offenders. To oversee these services, the Bureau maintains a network of community corrections managers (CCM's) in major cities throughout the country.

CCM's and their staff members have a variety of responsibilities. They maintain liaisons with the Federal Judiciary and with officials at all levels of Government. They also play a vital role in designating institutions for offenders who receive terms of imprisonment, as well as supervising the services provided to Federal offenders in contract facilities. CCM's are available to judges and probation officers to answer questions about available facilities and to discuss how the specific elements of an offender's case are likely to be considered in the designation decision when a sentence to a regular Federal institution is being contemplated.

Community Corrections staff are also responsible for accurately determining the community corrections and detention needs of inmates in their assigned geographic areas and developing contractual relationships with public and private resources to meet those needs. The arrangements with State and local government agencies are formalized in Intergovernmental Agreements, while contracts for the services of private providers are developed through the Government's competitive procurement process.

The CCM has broad oversight of all aspects of the agency's community corrections contracts and final authority over most case management decisions related to offenders in community programs. He or she reviews disciplinary documents forwarded by contractors and makes final decisions regarding the appropriate punishment for major violations. Community corrections staff process paperwork concerning escapes and apprehensions and ensure that proper release procedures are used. They also approve or deny driving privileges for offenders in community programs.

Not all community programs are available in all geographic areas. In some areas, there are not a sufficient number of offenders to support a specific program. In other cities, local programs and facilities are unwilling or unable to add Federal prisoners, which will strain their limited resources.

The agency's CCM will be glad to discuss the available programs and answer any questions about them. The CCM can also provide information about why some programs are not available to Federal offenders and will work to develop new programs.

### ***Certification of Grievance Procedures***

Certification of non-Federal inmate grievance procedures under the Civil Rights of Institutionalized Persons Act (CRIPA) is another area where the Bureau serves the criminal justice community. The National Inmate Appeals Section within the Office of General Counsel in Washington, D.C. (202-514-6655) has been given the responsibility by the Attorney General to review certification applications and assist State and local correctional systems with achieving CRIPA certification.

# Sanctions Available at the Time of Sentencing

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Some of the most difficult decisions made by any judge are in the area of sanctioning convicted offenders. The U.S. Sentencing Commission has published, pursuant to 28 U.S.C. §§991-998, guidelines that provide a framework for sentencing while leaving some room for flexibility. Below is a discussion of the most frequently used sanctions available in the Federal criminal justice system, with particular emphasis on those provided by the Bureau.

Specific descriptive material on the community corrections program options available in each judicial district is available from the Community Corrections Manager (CCM) in each district. The courts are encouraged to contact their respective Bureau CCM's for more detailed information on the availability of local programs or further information on topics addressed in this section.

## *Intermediate Punishments*

The Bureau recognizes that the courts need to have every reasonable sanctioning option available in order to hold offenders accountable for their actions and maintain public safety. For this reason, the Bureau provides a broad range of intermediate punishments as an alternative to traditional confinement. Intermediate sanctions offer the necessary level of public protection and provide offenders with the structure they need while serving their sentences.

### ● **Community Confinement**

Inmates may be sentenced to "community confinement," which is defined as residence "in a community treatment center, halfway house or similar facility" as a condition of probation. 18 U.S.C. §3563(12). Federally contracted halfway houses, or Community Corrections Centers (CCC's), have been made available by the Bureau for use by the courts. The

CCC program is described in more detail below, but offenders sentenced to community confinement are placed in the most restrictive component of the CCC and have limited access to the community. CCC's are available for both male and female offenders, at no cost to the courts.

### ● **Intermittent Confinement**

Weekend terms and other forms of intermittent confinement (Guidelines Manual, Sec. 5C1.1) may be imposed as a condition of probation. 18 U.S.C. §3563(b)(11). In most instances, Bureau of Prisons or contract detention facilities are used for this purpose, but confinement in a CCC also is permissible. Contract detention facilities or CCC's are available at no cost to the courts.

### ● **Home Detention**

The sentencing guidelines (Guidelines Manual, Sec. 5C1.1) allow home detention as a substitute for imprisonment in certain instances. Ordinarily, inmates on home detention are electronically monitored through services contracted by the Administrative Office of the United States Courts. The Bureau is not normally involved in the home detention program for probationers and supervised releasees.

### ● **Supervision Violation**

In lieu of revocation of probation or supervised release for technical violations, the courts may place an offender in a CCC as a condition of supervision. Federally contracted CCC's are available for this purpose at no cost to the courts.

### ● **Intensive Confinement Centers (ICC's)**

The Bureau operates minimum-security Intensive Confinement Centers (ICC's) in Lewisburg, Pennsylvania (for male inmates) and Bryan, Texas (for female inmates). These centers have some features of a correctional "boot camp" operation, as well as a community-based phase. Participation in an ICC program must be recommended by the sentencing court. The agency's authority to operate this program is found at 18 U.S.C. §§3621 and 4046.

These facilities are designed for younger felons in good physical health who are incarcerated for more than 12 but not more than 30 months. While there is no age restriction, priority consideration is ordinarily given to inmates under the age of 36. These must be minimum-security offenders who have not previously been incarcerated (or who have minor histories of prior incarceration) and who consent to participate in the program.

Underlying the ICC's operation is the philosophy that exposure to the program will enable participants to develop internal strengths that will make them less likely to engage in future illegal activity. To accomplish this, ICC's employ a highly structured environment while adhering to the agency's basic philosophy of humane inmate management. The Bureau identifies and specially trains staff for these programs, teaching communication skills that enable a firm but fair approach.

The institutional phase of the ICC program lasts 6 months and is individualized for each offender. Structured periods of physical training, work, education, and drug counseling are part of each day's activities; amenities are limited. Drug treatment figures prominently in the ICC curriculum. This facet of the program includes education, counseling, and other state-of-the-art strategies, all designed to offer motivated offenders the opportunity to gain skills, knowledge, and personal strengths that will enable them to abstain from drugs.

Close staff supervision is provided at the ICC's. All discipline is handled in accordance with current Bureau policy that provides necessary due process safeguards.

A lengthy period of community corrections center placement typically follows completion of the institutional phase of the ICC program. In cases where a need for drug treatment has been identified during the ICC phase, community centers continue programming initiated in the ICC. Participants gradually move through less restrictive phases in the community until they are eventually placed on home confinement.

### ***Imprisonment***

For many offenders, imprisonment (18 U.S.C., Chapter 227, Subchapter D) may be the appropriate sanction. The Bureau maintains a safe and humane correctional environment for those offenders who require incarceration.

### ● **Designation Considerations**

To identify the appropriate place of confinement for a Federal offender, the designator takes into account information obtained from a number of important sources and carefully considers both societal and offender needs, as well as the capabilities of the system.

Title 18 U.S.C. §3621 provides that the Bureau of Prisons shall designate where a prisoner will serve his or her sentence. The Bureau retains exclusive discretion to assign prisoners and transfer prisoners to any of its facilities. Brown-Bey v. United States, 720 F.2d 467, 470 (7th Cir. 1983), citing Beck v. Wilkes, 589 F.2d 901, 904 (5th Cir., 1979), cert. den. sub nom., Beck v. Hanberry, 444 U.S. 845 (1979).

When an offender is sentenced to a term of imprisonment, the appropriate U.S. Marshal notifies the agency's local community corrections manager (CCM) and requests a designation. The CCM makes a determination whether the offender should be

confined in a Bureau facility or, with court concurrence, whether he or she might appropriately be placed in a contract community corrections facility. If the CCM determines that the offender should be placed in a Bureau institution, all the information regarding the offender is sent to a Regional Office, where the designation will be made. As a general rule, designations are completed within 3 days of the Regional Office receiving the information from the CCM.

When making its designations, the Bureau takes into account a number of factors, including the type of offense, the length of sentence, the defendant's age, the defendant's release residence, the need for medical or other special treatment, and any placement recommendation made by the court. 18 U.S.C. §3621(b). For most of this information, the Bureau relies primarily on the Presentence Investigation Report prepared by the U.S. Probation Service and the Judgment and Commitment Order filed by the court. If the court makes findings regarding controverted matters contained in the Presentence Investigation Report that may affect the defendant's classification, the court should record these findings in the "Statement of Reasons" portion of the Judgment and Commitment Order. Fed. R. Crim. P. 32(c)(3)(D). If the court is aware of additional information not contained in the presentence report that should be considered in assigning an appropriate facility, the court should include this information as well. If the court believes information in the report to be incorrect or misleading, it should have the report corrected.

Designation decisions are often heavily influenced by the availability of bedspace; therefore the Bureau must retain flexibility in making designation decisions. However, if the court recommends placement in a particular facility or program, the Bureau will give careful consideration to that recommendation. If the recommendation is inconsistent with Bureau policies or with sound correctional management, the court will be notified in writing of the reasons for not honoring the recommendation.

### ● Information from the Court

Information regarding the intent of the court in sentencing an offender is very useful to Bureau staff. The Presentence Investigation Report, psychological reports, medical reports, and other information are helpful guides. Bureau staff find the "Statement of Reasons" section of the Judgment and Commitment Order particularly valuable, because it explains the reason for the sentence imposed. The court may also include any additional recommendations to the Bureau in the "Imprisonment" section, including requests that the inmate be evaluated for treatment of pre-existing medical conditions or substance abuse problems, as well as indicating whether the sentencing judge wishes to be notified upon the offender's release. In most cases, the Judgment and Commitment Order and the Presentence Investigation Report provide the only verified background data on offenders, and their accuracy is of critical importance to the Bureau in making initial designation decisions, as well as subsequent housing, job, and custody assignments.

### ● Movement to the Institution

Once an institution has been selected, an inmate may be transported to that facility by the U.S. Marshals Service in one of two ways. Usually, the U.S. Marshals Service transports the individual by car or contract carrier airlines, depending upon the distance. The Marshals Service also operates a fleet of aircraft in conjunction with Bureau of Prisons ground transportation and support, which provides for economical, expeditious movement of inmates.

### ● Voluntary Surrender

The court may, if it sees fit, order that a defendant be permitted to surrender voluntarily at the facility to which he or she is designated, rather than be transported by the U.S. Marshals Service. The Bureau draws a positive inference from the court's determination that the defendant is sufficiently trustworthy to surrender voluntarily, and frequently such an inmate will be designated to a minimum-



security institution as long as public safety considerations do not warrant a higher-security designation.

This alternative method results in considerable cost savings to the Government, and few of those ordered to surrender themselves fail to do so.

### ● **Direct Designation to a Community Corrections Center**

The Bureau may designate an offender directly to a community setting to serve his or her sentence but ordinarily this is done only with the concurrence of the sentencing court. Inmates posing a threat to or perceived as threatening by the public are not designated to Community Corrections Centers (CCC's).

Protecting public safety is the first priority when an applicant is considered for participation in community programs. The following is the profile of a typical offender designated directly to a CCC:

- Sentenced to 6 months or less.
- Not involved in large-scale drug or property offenses.
- Has no detainers or pending charges.
- Has no history of serious violent behavior or firearms offenses.
- Has no history of sex crimes.
- Is not currently suffering from a medical or mental disorder that would require ongoing treatment, as only emergency medical care is available in CCC's.
- Is not a deportable alien.
- Has no history of threats against Government officials.
- Has no known memberships with disruptive groups or affiliations with major organized criminal enterprises.

### ● **Institutional Confinement**

Bureau institutions throughout the country house offenders convicted of violations of Federal law and also a limited number of State offenders on a contract basis. These institutions vary in size of population, security level, and special emphasis. All Federal correctional facilities operate under the policies and procedures of the Bureau of Prisons.

Bureau institutions span a broad range of security levels and types of physical plants. Institution security levels are determined by factors such as type of perimeter, number of towers or external patrols, detection devices, security of housing areas, type of living quarters, and level of staffing. Types of facilities within the Bureau are listed below.

### **Minimum-Security**

Federal Prison Camps have dormitory housing, a relatively low staff-to-inmate ratio, and no fences. These institutions are work- and program-oriented, and many are located adjacent to larger institutions or on military bases, where inmates help serve the labor needs of the base.

### **Low-Security**

Low-security Federal Correctional Institutions (FCI's) typically have double-fenced perimeters, mostly dormitory housing, and strong work and program components. The staff-to-inmate ratio in these institutions is higher than in minimum-security facilities.

### **Medium-Security**

Medium-security FCI's have strengthened perimeters (often double fences with electronic detection systems, vehicle patrols, and in some cases armed observation towers), cell-type housing, a wide variety of work and treatment programs, and an even higher staff-to-inmate ratio than do low-security

institutions, providing even greater internal controls.

## High-Security

Penitentiaries have highly secure, vehicle-patrolled perimeters (either walled or double-fenced, outfitted with electronic detection devices and armed observation towers), multiple- and single-occupant cell housing, and close staff supervision and movement controls. Still, penitentiaries offer work and other programs.

The U.S. Penitentiary, Marion, Illinois, was for some time the most secure institution in this category in the Bureau of Prisons. It has an extremely secure perimeter, all single-cell housing, a very high staff-to-inmate ratio, and a carefully crafted, graduated housing and movement system that served to safely confine the most dangerous prisoners in the Federal system.

A new administrative-maximum security facility in Florence, Colorado, has recently begun receiving Marion's inmates. This institution will be one of four components of a correctional complex built on the Florence site, and will become the highest-security facility in the Bureau. The facility embodies numerous design features that greatly facilitate safer inmate movement, program participation, and staff-inmate interaction in a more secure setting than Marion offers. Marion will continue to house offenders who are considered to present too great a risk for confinement in a typical high security penitentiary, but who do not require the level of control available at the administrative-maximum facility at Florence.

## Administrative

These are institutions — such as Metropolitan Correctional and Detention Centers and

medical facilities — with special missions; these facilities hold inmates of all security categories.

### ● Service of Sentence in Non-Federal Facilities

In addition to its own institutions, the Bureau maintains contracts with local jails and detention centers to confine offenders serving sentences of a year or less. These facilities may also be used for offenders sentenced to terms of intermittent confinement, such as nights, weekends, or other short intervals.

The Bureau also maintains contracts with some State correctional facilities in which some long-term Federal offenders are held. Usually offenders are transferred to State facilities because they have presented special management problems, such as needing extensive protection due to their notoriety, thereby precluding safe functioning in any Bureau facility.

### ● Female Offenders

Because of the expansion of the female inmate population in recent years, the Bureau has enhanced programs and institutional services for women. The number of female inmates has been growing faster than the number of male inmates.

Female inmates are housed in a variety of institutions around the country. These facilities are described in Appendix A of this booklet.

At facilities for female offenders, the Bureau provides programs and procedures that are equivalent to those at facilities for male offenders; for example, educational and recreation programs are available to all female inmates. In the area of job training, the agency's apprenticeship training programs have been accredited by the Women's Bureau of the U.S. Department of Labor, Bureau of Apprenticeship and Training. These programs assist in preparing women for a wide range of positions, including auto mechanic, electrician, plumber, painter, bricklayer, data

processor, and secretary. Apprenticeship programs are offered for women in 40 different trades.

In 1993, the Bureau developed and implemented a new designation and classification system for female offenders, which will result in greater use of minimum- and low-security bedspace for women.

### ● **Juveniles**

Persons adjudicated under the Juvenile Justice and Delinquency Prevention Act of 1974 (and persons who are under 18 and convicted as adults) may not be confined in adult correctional facilities where they have regular contact with convicted adult offenders. 18 U.S.C. §5034. Because of the very small number of Federal juvenile offenders, the operation of a separate Federal facility for this population is not practical. Therefore, Federal juvenile offenders are housed in State, local, and private juvenile facilities. (The Bureau does maintain a "juvenile unit" within the Metropolitan Detention Center in Guaynabo, Puerto Rico, for persons under 18 who will be tried as adults.) The local CCM ensures that each juvenile offender is appropriately placed.

### ● **Separation, Witness, and WITSEC Cases**

There are many reasons why an offender may need to be separated from others, stemming from events preceding and during incarceration. If the need for separation is known when the offender comes into custody, a judge, a U.S. Attorney, the U.S. Marshals Service, a U.S. Probation officer, or any other official may initiate a request for separation. If deemed necessary, separation status may continue throughout the period of incarceration. The Bureau may also initiate a separation based on post-conviction events or new information received after the inmate is in custody.

The Bureau has two ways in which it ensures the safety of those who must be separated from other inmates. The most structured protection is provided by the Witness Security Program. Offenders in this program typically are housed in special units of certain

institutions, isolated from general-population inmates. However, some inmates in this program may be placed in the general population if their safety is not compromised.

In some instances, an offender must be separated from a few individuals, such as co-defendants against whom he or she gave testimony and inmates with whom there have been serious fights. This can be accomplished by transferring one or more of the antagonists to another facility. In rare cases, placement as a contract boarder in a State institution is required.

Once an individual's separation needs are identified and confirmed, his or her ongoing safety is ensured through use of the agency's automated information system, SENTRY. This system serves as a repository of all separatee data and is discussed in more detail elsewhere in this publication. Before any inmate is transferred, staff check this system to ensure that if the person is a separation case, none of his or her separatees are at the intended destination.

### ● **Material Witnesses**

The Bureau has the capability of confining material witnesses whose presence is required for court proceedings. 18 U.S.C. §3144. However, most Bureau institutions are quite limited in their ability to confine and provide necessary programs and services for these special cases who usually require separation from other inmates.

### ● **Inmates with Special Medical Concerns**

The health of the offender is considered in making a designation decision. In no cases should a person's medical problems preclude a sentence to Bureau custody.

When health concerns are an issue in a designation decision, the case is referred to a medical designator who assigns the offender to an institution with appropriate facilities to provide the needed evaluation, services, and treatment.

A later section on health care in the Bureau of Prisons describes available programs and services.

### ● **Interstate Agreement on Detainers**

Many prisoners in the agency's custody have detainers for unresolved criminal charges pending against them in one or more jurisdictions. In order to protect such prisoners from the obstruction of programming designed for treatment and rehabilitation, and to facilitate resolution of pending matters, the Bureau participates with nearly all States in the Interstate Agreement on Detainers. 18 U.S.C. App. II. This agreement makes it possible for jurisdictions having an untried indictment, information, or complaint, to secure temporary custody of the inmate in order to bring him (or her) to trial. Such proceedings may be initiated by the State or by the inmate. The Bureau, as a participant in the Interstate Agreement on Detainers, has policies that delineate proper procedures for treating inmates who have detainers lodged against them.

Each inmate against whom there is lodged a State detainer is given a "Notice of Untried Indictment, Information, or Complaint and Right to Request Disposition," which informs the prisoner of the source of the detainer, the contents of the detainer, and his or her right to request final disposition of the charges. An inmate who requests disposition of the charges pending against him or her is given "Inmate's Notice of Place of Imprisonment and Request for Disposition of Indictment, Information, or Complaint." U.S.C. App. II, Article III(a). Once such a request is made, all law enforcement agencies in the State where the charges are pending are notified, and the inmate may be required to appear in regards to all charges pending against him or her in that State, even if he or she wished to appear for only one.

If the State wishes to have a Federal prisoner brought to trial for pending charges, the prosecutor must file a request for temporary custody after securing approval from the appropriate court. After receiving a request for temporary custody, the warden of the facility where the inmate is housed must verify the request and notify all officials in that State who have lodged detainers against the inmate so that they may

determine if they intend to take action against the inmate during the time that he or she is in State custody. The warden must then inform the inmate that a request for temporary custody has been made, and that the inmate has a right to a pre-transfer hearing.

Finally, whenever transfer of an inmate is anticipated under the provisions of the Interstate Agreement on Detainers, the warden must prepare a certificate regarding the prisoner's status, including such information as the term of commitment, time served, time remaining, and parole eligibility. 18 U.S.C. App. II, Article III(a) and IV(b).

The Bureau will make prisoners available to State authorities for transport to appropriate State facilities for purposes of resolving pending charges. The inmate must be brought to trial within 180 days of making a request to appear.

If the State, rather than the inmate, requests the appearance, the detainer is not invalidated by the prisoner's failure to appear within 180 days, unless the prisoner is taken to the State for trial, in which case trial must commence within 120 days.

The prisoner should be returned to Bureau of Prisons custody as soon as possible after the State proceedings are completed, including sentencing.

Note that if the Bureau receives a request for temporary custody of an inmate who has not yet reached his or her designated facility, such a request is forwarded to the designated facility, where it will be processed promptly upon the inmate's arrival.

## ***Other Sanctioning Issues***

### ● **Fines and Cost of Confinement**

Pursuant to Federal Sentencing Guidelines 5E1.2., the court shall impose a fine in all cases unless the defendant lacks the necessary financial resources to make payments. For offenses committed after November 1, 1987, the court cannot require that any

fine imposed be paid as precondition for release from imprisonment. This is a change from the prior law, which permitted the court to order that the defendant remain in prison until the fine is paid unless and until a determination is made that the defendant is indigent or otherwise unable to pay the fine. 18 U.S.C. §3565, 3569, and 28 C.F.R. §0.171(q). However, pursuant to 18 U.S.C. §3624(f), the defendant must agree to a payment schedule prior to being released for the supervision portion of his or her sentence. 18 U.S.C. §3624(e).

In addition to the fine computed pursuant to 5E1.2.(c)-(g), the court must impose a fine that is "at least sufficient to pay the costs to the government of any imprisonment, probation, or supervised release ordered." 5E1.2.(i). See also 18 U.S.C. §3572(a)(6)(1994).

The Application Notes to the Sentencing Guidelines refer the court to the Bureau of Prisons and the Administrative Office of the U.S. Courts for assistance in determining an appropriate fine. The Bureau can furnish the court with the average cost of confinement at all facilities, either through the Office of General Counsel located in Washington, D.C., or through one of the six Regional Offices. The average cost across all facilities is used, since an inmate may be held in several different facilities during a single term of imprisonment. For prisoners who did not receive a fine from the court to cover the costs of incarceration and for whom the court did not waive the fine due to indigence, the Bureau is authorized to collect a fee equal to the cost of one year of imprisonment or a prorated amount if the defendant is sentenced to a shorter term. P.L. 102-395, Section 111.

The Bureau may require offenders transferred to community facilities to pay a portion or all of the costs of their confinement. 18 U.S.C. §3622 (c)(2). Of all employed offenders confined in Bureau contract community programs, at any given time approximately 90 percent make payments towards the cost of their confinement. The funds collected from these prisoners do not return to the Bureau of Prisons; rather, they are paid to the United States Treasury. Nevertheless, re-

quiring such payments is an effective means for the Government to recover some of the costs of operating the criminal justice system.

### ● Inmate Financial Responsibility Program

To assist in the collection of court-ordered financial obligations, the Bureau operates an Inmate Financial Responsibility Program (IFRP) in conjunction with the Administrative Office of the U.S. Courts. All inmates with obligations — including special assessments, restitution, fines and court costs, State or local court obligations, and other Federal obligations (28 C.F.R. Sections 545.10-11) — are encouraged to develop a financial plan with institution staff.

Participation in the program is tied to eligibility for prison privileges, such as preferred housing and job assignments, and for community activities, such as community corrections center placement and furloughs. Participation also is tied to institutional program and custody-level changes. If eligible for parole, the inmate's progress in meeting his or her financial plan is considered at the parole hearing. Inmates are responsible for making all payments, from either outside resources, institution pay, or a combination of the two.

Each sentenced inmate who is physically and mentally able is assigned to an institutional or industrial work assignment. Inmates who work at non-industrial jobs earn between \$18.48 and \$61.60 per month, based on a 7-hour workday. (They may also earn bonus pay for outstanding work performance.) The minimum IFRP payment required for this group of inmates is \$25 per quarter, or \$100 per year. There are more than 15,000 inmates employed in Federal Prison Industries, Inc. (FPI, or UNICOR) positions nationwide who earn between \$70 and \$300 per month. They are eligible for higher earning potential through longevity and overtime pay. Inmates with large financial obligations are given priority placement in FPI and are required to apply 50 percent of their salaries to their obligations. It is worth noting, however, that most of the money that inmates contribute to the IFRP comes from outside resources,

including an inmate's private holdings and contributions from his or her family.

Judgment and Commitment Orders that specifically state that the court-ordered obligation is made payable immediately, or while the individual is in Bureau custody, facilitate the inmate's participation in the Inmate Financial Responsibility Program.

### ● **Victim and Witness Notification**

The Bureau manages a victim and witness notification program to meet the needs of qualifying individuals who request information from the U.S. Attorney in the district in which the prosecution occurred. 28 C.F.R. §§551.150-.153. Under this program, victims and witnesses are advised when the offender is being released from prison, dies, escapes, is furloughed, or is transferred to another Bureau facility or into a community corrections program. The victims and witnesses are also notified and may appear in person or provide a written statement to the U.S. Parole Commission if the offender is eligible for parole and is receiving an in-person parole hearing.

In order to enhance responsiveness, a toll-free number has been established to provide this information: 1-800-359-3267 (FTS: 367-0884 and, in the Washington, D.C., metropolitan area, 202-307-0884). Victims and witnesses may use the toll-free number to obtain information about the offender's status or about any notification they have received. Finally, a victim or witness may inquire whether a particular person seen in the community could be an offender about whom they have a concern.

# Community Placement After Sentencing

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The Bureau has authority under two sections of Title 18 to place offenders in the community.

18 U.S.C., Section 3624(c), provides:

"The Bureau of Prisons shall, to the extent practicable, assure that a prisoner serving a term of imprisonment spends a reasonable part, not to exceed six months, of the last ten per centum of the term to be served under conditions that will afford the prisoner a reasonable opportunity to adjust to and prepare for his reentry into the community. The authority provided by this subsection may be used to place a prisoner in home confinement. The U.S. Probation System shall, to the extent practicable, offer assistance to a prisoner during such pre-release custody."

18 U.S.C., Section 3621(b) provides:

"The Bureau of Prisons shall designate the place of the prisoner's imprisonment. The Bureau may designate any available penal or correctional facility . . . the Bureau determines to be appropriate and suitable."

A CCC meets the definition of a "penal or correctional facility." Therefore, the Bureau is not restricted by Section 3624(c) in designating a CCC for an inmate and may place an inmate in a CCC for more than the "last ten per centum of the term," or more than 6 months, if appropriate.

Section 3624(c), however, does restrict the Bureau in placing inmates on home confinement to the last 6 months or 10 percent of the sentence, whichever is less.

## *Community Corrections Centers*

Service of sentence in a Community Corrections Center (CCC) is a viable option for non-dangerous offenders with relatively short sentences. The Bureau contracts for a network of CCC's, managed by public

and private organizations, to provide residential correctional programs near offenders' home communities.

CCC's are used primarily for three types of offenders:

- **Supervision Cases (Probation, Supervised Release, or Parolee)**

As discussed earlier in this document, supervision cases are those serving a term of community confinement, as defined in the sentencing guidelines, and other offenders under community supervision ordered by the court or the Parole Commission who need guidance and supportive services beyond those provided through regular or intensive probation supervision. 18 U.S.C. §3563(b)(12).

- **Direct Designations to CCC's**

As discussed in the previous chapter, direct designation cases are those serving short sentences of imprisonment who would benefit by maintaining community ties, and the placement is made only with concurrence from the sentencing court. 18 U.S.C. §3621.

- **Inmates Transitioning to the Community**

These inmates are nearing release or parole from a Bureau institution and go to a CCC as a transitional service during the last 180 days of their sentences. This time assists the offenders in finding a job, locating a place to live, and re-establishing family ties. 18 U.S.C. §3624(c).

Every offender placed in a CCC is provided with a suitable residence, structured programs, job placement, and counseling, and their activities are closely monitored. All centers conduct drug testing and offer counseling for alcohol- and drug-related problems. Inmates' program plans are individualized, tailored to the accountability and program needs of the offender.

During their stays, employed offenders are required to pay a subsistence charge to help defray the costs of their confinement. 18 U.S.C. §3622(c).

CCC's provide three program components: a community corrections component, a pre-release component, and home confinement.

- The community corrections component is sufficiently punitive so as to be seen as a legitimate sanction, meeting the needs of the court and society, while allowing the offender to continue to fulfill familial and other responsibilities. Except for employment and other required activities, the offender must remain at the CCC, where recreation, visiting, and other activities are provided in-house. Offenders who are placed in the CCC as a condition of court-imposed supervision and inmates directly designated to a CCC are assigned to this component.
- The pre-release component assists offenders in making the transition from an institutional setting to the community. This component is usually for inmates who have come to the CCC from a prison and have passed through the community corrections component. The pre-release components assists these inmates in making the transition from an institutional setting to the community, in part by allowing them more access to the community (especially in the form of visits to their families).
- Home confinement is used for inmates with approved residences who no longer need the full range of transitional services offered by the CCC.

## ***Home Confinement***

Home confinement is a generic term used to cover all circumstances in which an offender is required to remain in the home during the non-working hours of the day. Home confinement programs provide an opportunity for offenders to assume increasing levels of responsibility while at the same time providing sufficient restrictions to promote community safety and convey the sanctioning value of the sentence.

Home confinement is an option for offenders who do not need the structure of an institutional or residential facility. 18 U.S.C. §3563(b)(20). Inmates serving sentences of imprisonment in a correctional institution are allowed to participate in home confinement only during the last 10 percent of their sentences or 6 months, whichever is less. 18 U.S.C. §3624(c).

The Bureau uses two different methods for monitoring inmates on home confinement. The first requires its contract CCC's to track the inmate's whereabouts and curfew compliance through daily telephone contacts and periodic personal contacts in the home and workplace, as well as asking the inmate to report to the CCC on a scheduled basis for counseling and program updates.

The second technique involves electronic monitoring, usually by use of an ankle bracelet that signals a computer-driven receiving/recording device that detects when a curfew violation has occurred. Only a few contract CCC's are equipped with this technology. Most electronic monitoring is done through programs administered by the U.S. Probation Service. The majority of the 94 Federal judicial districts use electronic monitoring to some extent. As of February 21, 1995, 1,158 Federal offenders were on home confinement status. Of this number, 129 were being supervised by the U.S. Probation Service.

## ***Other Work and Community Service Programs***

To provide a work-based option for non-dangerous male and female offenders, the Bureau has established the Urban Work Camp (UWC) program, under 18 U.S.C. §4125(a). This program uses CCC-resident inmates to provide labor to other Government agencies.

Participants are low-risk offenders who are selected to spend up to 18 months in a CCC. For up to the first 12 months, inmates provide labor for a sponsoring Federal agency. At the end of the CCC stay,



for up to 6 months, inmates participate in typical transitional programming.

The first UWC opened in October 1990 and as of December 1994 nine UWC's were operating, with more than 220 inmates. Participating agencies include the Department of Defense, the Department of the Interior, the Veterans Administration, and the Department of Agriculture.

At many Federal Prison Camps, inmates are assigned to community service work, such as trail maintenance in national forests or maintenance work on military bases and National Park Service properties. As the number of suitably classified nondangerous offenders and interested agencies permit, the Bureau is expanding this form of intermediate punishment.

# Institutional Life in the Bureau of Prisons

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It is not possible to fully describe institutional life in a publication of this type. This section describes the most important elements of an inmate's institutional experience, including the programs and services that are available in Federal facilities. Additional information about any program can be obtained from the agency's Office of Public Affairs (202-307-3198).

## *Inmate Classification*

Through the classification and designation process, inmates are assigned to serve their sentences at institutions matching their security and program needs. This classification system — which has been in effect since 1979 and has been continually refined through the years — incorporates factors such as offense severity, type of detainer (if any), history of escape or violence, expected length of incarceration, and type of prior commitments. Additionally, there are Public Safety Factors (PSF's) — factors that require increased security measures to ensure the protection of society — to be considered. Categories of PSF's include deportable aliens, sex offenders, and "greatest-severity" offenders.

## *Orientation to the Institution*

The Bureau uses a standardized approach to managing offenders after they are committed. Upon arrival and for the first week or two in the institution, an inmate is assigned to the Admission and Orientation (A&O) Program, which provides an introduction to all aspects of the institution and includes interviews with and screening by staff from the case management, medical, and mental health units. Inmates are immediately provided copies of the institution's rules and regulations, including the inmate discipline policy, and they receive a formal orientation to the programs, services, policies, and procedures of that facility. Staff make presentations regarding the institution's programs and departments.

## *Unit Management*

Once the admission process is completed, each inmate is assigned to a housing unit that also serves as the delivery point for many important services. The physical design of the housing unit (single or double cell, dormitory, or other multiple-occupant room) is determined by the institution's security level and the inmate's custody status. All Bureau institutions are organized using a "unit management" system. A "unit" consists of a self-contained inmate living area that includes office space for unit staff, so staff and inmates are accessible to each other. The unit team is directly responsible for the inmates living in that unit and is typically composed of the unit manager, one or more case managers, two or more correctional counselors, and one unit secretary.

Every inmate participates in creating his or her program plan during confinement. After orientation, each inmate meets with the unit team to formulate a program plan that may include drug treatment, education, and vocational training, as well as institution maintenance jobs or work assignments for Federal Prison Industries, Inc. (FPI, or UNICOR). The unit team reviews the inmate's progress and makes appropriate changes in the program plan, reviewing each case as needed. Inmates' cases are reviewed at least every 6 months until they are within 1 year of release, and then every 90 days.

## *The Daily Routine*

Inmate counts are formally conducted at least five times a day, including a morning count at about 6:00 a.m., an afternoon count at about 4:00 p.m., and three counts between 10:00 p.m. and morning. Informal counts are conducted periodically throughout the day in the various program areas, to ensure that

inmates are in the proper location; emergency counts may be held at any time.

A typical institution day begins with breakfast at about 6:30 a.m. and a "work call" about 7:30 a.m. By this time, inmates are expected to have cleaned their personal living areas and made their beds. Lockers must be neatly arranged inside and out, and all shelving must be orderly.

The standard work day is 7½ hours. During the standard daytime work shift, there is a mid-day break for the noon meal. After work, a count is held, the evening meal is served, and then inmates may participate in organized and individual recreation, television viewing, hobbycraft, and a variety of other activities. Visiting, access to general and legal libraries, use of telephones, and programs are available as well. Outdoor recreation is available in the evenings as daylight permits; most institutions do not have after-dark outdoor activities, for security reasons. In most institutions, the inmates must remain in their quarters after the count held at about 10:00 p.m.

The weekend and holiday routines are somewhat more relaxed for inmates with jobs that do not require weekend hours. In most institutions, a "brunch" is offered instead of the normal breakfast meal, and recreation and other such programs are available throughout the day. Counts are still held, and other accountability procedures are still in place. As during the week, inmates are required to clean their personal living areas and make their beds before leaving their housing units.

### ***Personal Property***

Due to safety and sanitation concerns, limits are placed on the personal items that an inmate may retain. Excess personal property could accumulate to a level that would constitute a fire hazard or impair staff searches of the living areas. Toothpaste, toothbrushes, combs, razors, and soap are issued by the institution. Inmates may purchase other personal care items through the commissary. Linen items supplied by the institution are exchanged once a week.

### ***Work Assignments***

Work is a very important part of institution management and offender programs, providing constructive activities and remuneration. Meaningful work programs are the most powerful tool prison administrators have in managing crowding and idleness, which can lead to disorder and violence.

All medically qualified inmates who are able to work are assigned to a specific program or job. This assignment may include participation in educational, job training, or apprenticeship programs. Jobs include cleaning, maintenance, food service, and working in institution offices.

The largest source of jobs for inmates is Federal Prison Industries, Inc. (FPI, or UNICOR), which employs about 25-30 percent of the inmate population. UNICOR is a wholly owned Federal Government corporation that does not receive a Congressional appropriation. The mission of UNICOR is to employ and train inmates through the operation of factories. 18 U.S.C. §4122(b)(1). UNICOR produces high-quality products and services for the Federal Government only. 18 U.S.C. §4122(a). UNICOR products must meet all the specifications of the Department of Defense, the General Services Administration, and the other agencies to which it sells. UNICOR must be competitive with the private sector in price, quality, and delivery.

UNICOR provides a diverse range of products and services in order to avoid any adverse impact on segments of the private sector that also do business with the Federal Government. 18 U.S.C. §4122(b)(1). UNICOR products include electronic cable assemblies, executive and systems furniture, metal pallet racks, stainless steel food service equipment, mattresses, towels, utility bags, and brooms. It also provides services, such as data entry, sign making, and printing. The corporation operates product development centers to ensure further diversification of its product and service lines. Additionally, to ensure that it does not compete

unfairly with the private sector, UNICOR operates under product guidelines requiring a public announcement and hearing process regarding any new product that it proposes. 18 U.S.C. §4122(b)(4). For more information about UNICOR and its products and services, a toll-free number is available: 1-800-827-3168.

### ***Visiting, Telephones, and Correspondence***

Inmates are permitted face-to-face visitation with approved family and friends, and visitation under confidential circumstances with attorneys. 28 C.F.R. §§540.44, 543.13. Visits allow inmates to maintain important family and community ties throughout the period of incarceration. Visiting rooms are furnished and arranged in a way that allows personal contacts to be as normal as possible, though under direct staff supervision. Only inmates in an administrative-maximum-security facility are limited to non-contact visiting.

Visiting hours and days vary from institution to institution, and inmates are provided this information during the orientation process so that they can advise family members and others how and when they may visit.

Inmates are permitted to make phone calls to family members and friends in the community using a system that is monitored by staff. 28 C.F.R. §540.100 *et seq.* Ordinarily, calls are paid for by the inmate, but in some cases the receiving party pays.

Inmates are advised of the agency's telephone monitoring capability. A notice is posted next to each phone advising inmates that their calls are being monitored, and further advising them to seek staff assistance if they wish to place an unmonitored call to an attorney. Attorney visits and phone calls are discussed in detail in a subsequent section of this publication. Third-party or other alternative call arrangements are not permitted, thus limiting the opportunity for inmates to use the phones for criminal or other improper purposes.

Inmates in Bureau institutions are afforded broad correspondence privileges. Ordinarily no approved correspondence list is maintained, and mail is generally inspected for contraband only and not censored. 28 C.F.R. §§ 540.10-.25.

If the inmate and his or her attorney follow established Bureau procedures for "special mail," their correspondence will not be monitored or censored. In addition to legal mail, letters to the court, news media representatives, and certain government officials can be sent out sealed and uninspected. Incoming "special mail" will be opened by staff in the presence of the inmate and inspected only for contraband; it is not read by staff. To receive special handling in this manner, incoming correspondence must be clearly marked to identify it as special mail. 28 C.F.R. §540.18. Incoming mail from representatives of the media will be inspected for contraband and content that is likely to promote illegal activity or activity inconsistent with Bureau policy. 28 C.F.R. §540.20.

### ***Education and Recreation Programs***

Each institution has an education department that is responsible for providing literacy and other related programs to inmates. Generally, at minimum-security institutions only literacy programs are offered. At higher-security facilities, a broader range of programs is usually provided. However, the specific programs available vary from institution to institution.

Literacy is the Bureau's only mandatory education program, and it is required by statute for all Federal prisoners who are functionally illiterate. 18 U.S.C. §3624(f). Non-English speaking inmates are required to participate in an English as a Second Language (ESL) program until they are able to function at the eighth grade level. 18 U.S.C. §3624(f)(4). Additionally, inmates who do not have a GED or high school diploma are required by Bureau policy to enroll in an adult literacy program for at least 120 days. 28 C.F.R. §554.70. After that required introduction, an inmate may choose to stop participating. However, throughout incarceration all pro-

motions above entry-level pay grades in Federal Prison Industries and institution job assignments are contingent upon successful completion of a high school-level (GED) literacy program. 28 C.F.R. §§544.72, 544.74.

Literacy programs are only a small part of the agency's education programs. They also include extensive academic and occupational education activities. In addition, a wide array of social education and other supportive programs also is available to interested inmates. A variety of instructional techniques is used to make these educational activities responsive to the needs of adult students. In addition to traditional classroom presentations, teaching methods include the use of tutoring, apprenticeships, computer-assisted instruction, and interactive video.

As an example of the breadth of educational activity in 1994, a total of 5,488 inmates received General Educational Development (GED) certificates during the year.

Training is provided in a wide variety of occupational areas; instruction in building trades, heating and air-conditioning, and auto mechanics has been augmented by many new "high tech" programs, such as those in computer-assisted drafting and electronics. Training in service trades, such as commercial building maintenance, food preparation, horticulture, and business education, also is available.

Recreation programs are supervised by the education department in each institution. These programs help inmates develop individual health-promotion concepts. Programs include indoor and outdoor activities and range from individualized arts and crafts programs to intramural team sports such as baseball, basketball, and volleyball. Beyond recreation, there are health promotion and disease prevention activities targeted for both staff and inmates.

Nutritional education includes information on a "heart healthy" food plan. Physical fitness, smoking cessation, and weight reduction programs are also important activities for inmates, and they contribute to

mental health, good interpersonal relations, and stress reduction.

Hobbycraft programs vary from institution to institution. They typically include activities such as painting, leathercrafting, artwork, and ceramics. Completed projects that are authorized by the recreation department may be mailed home. Inmates are not allowed to have completed projects in their rooms. 28 C.F.R. §544.34, and §553.11(c).

### ***Religious Programs***

Chaplains are available at all institutions. In addition, contract religious clergy and volunteers from the community augment Bureau staff to make available a wide variety of programs, including those involving group worship, individual religious counseling, spiritual guidance, and scripture study. Among the inmate faith groups meeting on a regular basis are Catholic, Jewish, Muslim, Native American, Protestant, Rastafarian, Hindu, and Buddhist. Ordinarily, institutions offer a Native American sweat lodge for ceremonial use.

### ***Food Service***

Bureau professionals manage a food service program that provides nutritionally balanced, high-quality meals. All Bureau institutions ensure their meals' nutritional adequacy. Special diets are available to meet the medical needs of diabetics and others who require low-salt, low-calorie, or other special diets.

"Common fare" meals are offered to inmates who adhere to religious dietary restrictions. The common fare program is designed to meet the dietary requirements of a variety of different religions.

### ***Medical Services***

The agency's Health Services Division, which relies on the U.S. Public Health Service for many of its personnel, provides high-quality medical, dental, and psychiatric care to confined offenders. In addition,

the Division ensures that each institution provides a safe living and working environment for both staff and inmates. These services are provided by a variety of health care professionals, including physicians, nurses, physician assistants, dietitians, pharmacists, and safety officers.

There are virtually no medical problems that the agency's health care delivery system cannot respond to adequately, either within its institutions or through contract consultants. The system includes local medical facilities, as well as major medical facilities that provide specialized or intensive medical or mental health care.

On-site emergency medical care is available 24 hours a day in almost all Bureau facilities. Those with no constant medical staff coverage in the institution have alternate professional medical coverage available.

Inmates who wish to be seen on sick call for evaluation of medical problems are ordinarily required to report to a prescribed location for sign-up. There they are given an appointment time and an appointment slip. Inmates report to their assigned work details after making the sick call appointment. The sick call appointment slip is then given to the work detail supervisor, who writes a pass for the inmate 10 minutes before the time of the appointment. Inmates who become ill after the regular sick call appointment sign-up period may ask their work supervisors or unit officers to call the hospital for an appointment. Inmates in detention or segregation are unable to sign up using this procedure. For that reason, a medical staff member tours each Special Housing Unit at least once every work shift, three times a day.

Controlled medications are dispensed at a specific location (the "pill line") during specified time periods. Inmates in detention or segregation are provided their medications in their cells by staff.

***Specialized Health Care*** — Whenever possible, offenders requiring specialized medical care remain in regular institutions, a number of which are equipped with special facilities and services. At each security

level, at least one institution is wheelchair-accessible. Additionally, the climate is considered when making designations, so that, for instance, those who require crutches or canes usually are not placed where snow and ice may be a problem.

Inmates whose health care requirements exceed those services available in a typical institution may be transferred to one of the Bureau's medical referral centers, which are at Butner, North Carolina; Carswell Air Force Base, Texas; Fort Worth, Texas; Lexington, Kentucky; Rochester, Minnesota; and Springfield, Missouri; or to a community hospital, depending on the inmate's medical needs. When necessary, air ambulance service is used to transport inmates for urgent treatment.

There are specialized facilities to provide nursing home services for offenders in need of skilled nursing care; these facilities are the Federal Medical Centers at Fort Worth, Texas (for males), and Carswell Air Force Base, Texas (for females). See Appendix B for a more detailed listing of Bureau medical facilities and the specific services they provide.

***Acquired Immune Deficiency Syndrome (AIDS)*** — The Centers for Disease Control guidelines, coupled with periodic HIV-guideline updates, serve as the standard of care for HIV-positive inmates in the Bureau of Prisons. Implementation of any revisions in treatment protocols ensures compliance with the community standard of care. The Bureau treats HIV-positive inmates through outpatient clinics, inpatient hospitals, and hospice programs, based on a policy of education, not segregation. The Bureau provides, through intensive orientation and training — for staff and inmates alike — information regarding universal precautions.

The Bureau offers HIV screening to all inmates at time of admission, when clinical symptoms of HIV infection are present, and upon request from the inmate. Additionally, a random-testing program captures epidemiological information on newly committed inmates as well as inmates in the general

population. All inmates undergo HIV screening prior to release on furlough or community work assignment.

Pre- and post-test counseling accompanies all HIV screenings. Bureau health care providers monitor and treat HIV-positive inmates at least four times a year in chronic care clinics. All Federal Drug Administration-approved medications for HIV and its complications are on the Bureau's pharmacy formulary and are available to Federal inmates.

The Bureau population's HIV-positive rate is approximately 1 percent; there were only 920 diagnosed HIV-positive cases out of more than 85,500 inmates as of September 1994. Of the 920, 39 percent were classified as Stage 4 (typical AIDS cases) and 61 percent were Stage 3 (less-acute cases).

The results of HIV screenings are available only to the patient's primary health care providers and others with a "need to know." Of the total number of identified HIV-positive inmates in the Bureau, approximately 85 percent have identified themselves either through self-disclosure or by testing initiated upon their own requests.

# Access to the Courts

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## *Law Libraries*

Each institution maintains a law library in accordance with the provisions of 28 C.F.R. §543. These libraries conform to Bureau policy and contain a number of publications, including:

- Decisions of the U.S. Supreme Court (either Lawyer's Edition, Supreme Court Reports, or United States Reports).
- Federal Reporter 2d Series and 3d Series.
- Federal Supplement.
- Criminal Law Reporter.
- A complete set of the United States Code Annotated.
- The Federal Rules of Civil and Criminal Procedure.
- Part of the Code of Federal Regulations.
- Bureau of Prisons Program Statements.
- American Jurisprudence 2d.
- Black's Law Dictionary.
- Federal Sentencing Guidelines.
- Legal Research, Writing, and Analysis (West Publishing Co.).
- Various other reference materials.

In most Bureau institutions, the law library is located in the Education Department.

Law libraries typically remain open during evening and weekend hours to permit inmates to do legal research

during their free time. Libraries at Metropolitan Detention Centers and Metropolitan Correctional Centers may have more limited hours. An inmate law library clerk is available for assistance with legal research, and, in some institutions, law students or outside legal aid organizations can provide other assistance.

Legal materials are available to inmates in detention and in segregation, and also to inmates who are having medical complications that prohibit mobility — ordinarily via a delivery system or a satellite collection of legal materials maintained in the housing unit. In most institutions, the satellite collection is located in a separate room with a typewriter and other necessary materials for preparing legal documents. Materials not in the satellite collection may be borrowed from the main institution law library.

Materials not maintained in the primary law collection may be obtained through cooperative lending arrangements that most institutions maintain with local law libraries, or, in the case of State boarders seeking information on State law, from the State involved.

## *Attorneys*

At every institution, inmates are permitted to contact and retain attorneys. Attorneys may generally visit their clients as often as necessary, in private conference rooms if available, or in other accommodations set up to ensure a reasonable degree of privacy. 28 C.F.R. §543.13.

Some institutions have ongoing legal aid programs, which may or may not be funded by the Bureau. These programs are staffed by law students and professors, legal assistants, or attorneys. 28 C.F.R. §543.15.



In institutions without legal aid programs, inmates are permitted to assist one another with legal research and document preparation, so long as they provide these services free of charge. 28 C.F.R. §543.12. In all institutions, inmates are given access to typewriters and duplicating services. 28 C.F.R. §543.12(g), (h). Inmates may purchase law-related materials from outside the institution at their own expense and may keep the materials in their personal living spaces (subject to limitations imposed by the warden for maintaining security and good order, and for housekeeping reasons). 28 C.F.R. §543.12(d), (f).

### ***Legal Mail***

Special care is taken to ensure that "special mail" (mail to or from courts, attorneys, and certain government officials) is kept confidential. Special mail must be marked "Special Mail-Open only in the presence of the inmate" and the sender must identify him or herself on the envelope as a person entitled to invoke the protections of special mail in order to avoid the correspondence being processed as general mail. 28 C.F.R. §540.18. Inmates may seal and deposit outgoing special mail, and it will be sent out of the institution without correctional staff opening it and conducting an inspection.

Incoming special mail is opened only in the presence of the inmate. Once the mail has been opened, prison staff inspect for contraband but do not read the contents. 28 C.F.R. §540.18(a).

### ***Legal Phone Calls***

Inmates are permitted to make unmonitored phone calls to their attorneys if the inmates demonstrate that communicating with their attorneys through correspondence and visits is inadequate. 28 C.F.R. §540.102. Next to each phone is posted a notice indicating that all calls are monitored. Inmates are advised during Admission and Orientation that they must request permission to use a special phone in order to place an unmonitored call to their attorneys.

# Mental Health Services

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Mental health services are an important area of interaction between the court and the Bureau. The Bureau offers inmates a full range of mental health services through staff psychologists and psychiatrists, as well as through contract and community mental health specialists. The following services are among those provided:

- Testing and evaluation of all new inmates.
- Forensic evaluations under 18 U.S.C. §§4241-47.
- Crisis intervention counseling.
- Individual and group therapy.
- Referrals to contract or community mental health services.
- Inmate suicide prevention.
- Interviewing of candidates for inclusion in the WITSEC program.

Most Bureau institutions employ at least one full-time psychiatrist or psychologist to provide mental health screenings and treatment to inmates who suffer from mental disease or defect. Many such inmates can be treated on an outpatient basis. Inmates who need inpatient treatment, as determined by the court pursuant to 18 U.S.C. §§4244(d), 4245(d), 4246(d), or by Bureau medical staff, are referred to one of several psychiatric referral centers, located in Rochester, Minnesota; Springfield, Missouri; Butner, North Carolina; Lexington, Kentucky; and Carswell Air Force Base, Texas. Carswell treats only female inmates while the others treat only male inmates. Several important principles govern the care and treatment of inmates who suffer from mental disease or defect.

- Patients are medicated only after less restrictive alternatives have been considered; when medication is necessary, the lowest effective dose is administered.

- Except in emergency situations, psychiatric medicine is not given against the will of the patient unless the person has been involuntarily committed pursuant to a court order or is subject to a court order specifically allowing involuntary treatment.

- Psychiatric medication may be administered involuntarily in emergency situations (when a person becomes an immediate threat to himself and others because of a psychiatric illness or defect). This may be done only if psychiatric medication is the appropriate treatment for the illness, and if less restrictive alternatives — such as seclusion, physical restraint, and minor tranquilizers — would not be effective. Inmates who are given emergency treatment of this type will be immediately referred to a psychiatric referral center.

- Seclusion and medical restraints may be used solely for medical reasons — never for behavior modification or punishment. They may be used only in the most extreme situations, and all restraint and seclusion orders must be renewed at least every 24 hours.

## ***Pretrial Mental Evaluations***

Pursuant to 18 U.S.C. Ch. 313, "Offenders With Mental Disease or Defect," the Bureau of Prisons, in conjunction with the courts, provides a number of services. Specifically, under Section 4241, the court may commit a defendant to the custody of the Attorney General for purposes of undergoing a psychological or psychiatric exam to be introduced as evidence at a competency hearing. This examination is conducted at a Bureau facility by a psychiatrist or licensed clinical psychologist. The court need not

commit the defendant if there are psychiatrists or psychologists in the community available to perform the examination. Local examinations are especially encouraged where the court feels the defendant poses no risk to the public.

If after a hearing the court concludes that the defendant is not competent to stand trial, the defendant must be committed to the custody of the Attorney General for a determination whether he or she is likely to attain the capacity to permit the trial to proceed in the future. United States v. Shawar, 865 F.2d 856 (7th Cir. 1989). This extended study requires hospitalization and is conducted at a psychiatric referral center. The court may commit the defendant for an additional period of time until the defendant is able to proceed with trial, or, if he or she is not likely to attain capacity, until the charges are dropped. United States v. Baker, 807 F.2d 1315 (6th Cir. 1986).

If the defendant does not attain capacity to proceed and the charges are dropped, he or she is released, unless the warden of the facility where the defendant is being held certifies to the court pursuant to Section 4246(a): (1) that the person is suffering from a mental disease or defect, (2) that, as a result, releasing him or her would create a substantial risk of bodily injury to another person or serious damage to property of another, and (3) that no suitable arrangements for State custody and care of the person can be made. 18 U.S.C. §4246(a); United States v. Wheeler, 744 F. Supp. 633 (E.D. Pa. 1990). If the warden files a certificate (and the court concurs with the warden's assessment), the Attorney General retains custody over the defendant indefinitely.

### ***Defense of Insanity***

Section 4242 provides that courts may commit to the custody of the Attorney General for purposes of a psychological or psychiatric examination defendants who indicate that they will rely on the insanity defense. The United States Court of Appeals for the Fifth Circuit has held that the court should not commit the defendant without first considering the possibility of having the examination done on an outpatient basis in

the community, particularly if the defendant is out on bond. In re Newchurch, 807 F.2d 404 (5th Cir. 1986).

Section 4243(a) requires the court to commit any person who is found not guilty by reason of insanity to a suitable facility for a study, to determine if the defendant would be dangerous if released from custody. In such cases, the defendant has the burden of proving by clear and convincing evidence that his or her release would not create a substantial risk of bodily injury to another person or damage to another's property due to a present mental disease or defect.

If after a hearing the court determines pursuant to Section 4243(d) that the defendant is dangerous and should remain committed to the custody of the Attorney General, the Attorney General releases the person to the appropriate official for the State in which the person was domiciled or tried, when (and if) the State agrees to provide for the person's custody and treatment. The Attorney General retains custody of the defendant until either the State agrees to assume custody or the court finds that the acquittee's mental condition has improved such that his or her release would not create a substantial risk of harm to others. Acquitees may be released conditionally, pursuant to Section 4243(f)(2), which requires that they comply with specific conditions.

If the State agrees to provide care and treatment for the acquitee (including the assumption of all costs associated with the care and treatment), the Federal Government does not relinquish all interest in the case. Prior to transferring the acquitee to the State, the Bureau of Prisons requires the State to adhere to several conditions. First, the State must notify Bureau officials of its intent to release the acquitee. Second, the State must provide Bureau officials with annual updates of the acquitee's progress. These updates all the warden of the facility from which the acquitee was transferred can continue to submit reports required by 18 U.S.C. §4247(e). The State may not release the acquitee without first notifying the committing court, and the court then determines

whether the acquittee should be discharged and under what conditions. 18 U.S.C. §4243 (f); United States v. Husar, 859 F.2d 1494 (D.C. Cir. 1988).

### ***Post-Conviction Mental Evaluation***

After a defendant is convicted, the Government, the defendant, or the court on its own motion may order a hearing to determine whether the defendant's mental condition warrants commitment to a suitable facility for treatment. 18 U.S.C. §4244.

Pursuant to Section 4247(b), the court may order the defendant committed to the custody of the Attorney General for purposes of a psychological or psychiatric examination, or the court may order that the examination be done in the community.

If the court finds that the defendant is in need of treatment, the court must commit the defendant to the custody of the Attorney General for treatment in a suitable facility. The defendant is given a provisional sentence of the maximum term authorized for the offense of conviction. If the warden determines that the defendant has recovered and is no longer in need of treatment, he or she shall so certify to the court and the court will proceed to sentencing and modify the provisional sentence.

If the defendant does not recover and is due to be released, the warden of the facility may file a certificate with the court pursuant to Section 4246. This certifies to the court that the warden seeks to retain custody of the defendant on the grounds that if the defendant were released, because of his or her mental illness he or she would pose a substantial risk of harm to people or property. The certificate further provides that no suitable State placement exists for the defendant.

### ***Treatment of Mentally Ill Inmates***

Section 4245 provides that the Attorney General may hospitalize an inmate who suffers from a mental disease or defect, and who objects to being treated in a suitable facility, only when the court has determined,

after a hearing, that such treatment is appropriate. United States v. Jones, 811 F.2d 444 (8th Cir. 1987). Prior to the hearing, the court may order the defendant examined pursuant to Section 4247(b), and the Bureau may transfer the prisoner to a psychiatric referral center for purposes of the evaluation. After the inmate has been involuntarily committed to a psychiatric referral center, anti-psychotic medication may not be involuntarily administered without first providing the prisoner with the agency's internal due process protections. Washington v. Harper, 494 U.S. 210, 110 S.Ct. 1028, 108 L.Ed.2d 178 (1990).

Any time a person is due to be released from the custody of the Attorney General, the warden of the facility in which the person is being held may file a certificate with the court seeking a stay of the person's release pursuant to Section 4246(a). Such a certificate may be filed in the court for the district in which the defendant is hospitalized only based upon a finding that, due to a mental disease or defect, releasing the person would create a substantial risk of harm to people or property and that no suitable State arrangements exist. U.S. v. Baker, 807 F.2d 1315 (6th Cir. 1986). The court will then conduct a hearing and determine whether the person should be released. 18 U.S.C. §4246(c) and (d).

The warden of a facility to which a person is designated pursuant to Sections 4243-6 must prepare annual reports on the person's mental condition and submit such reports to the court. For persons hospitalized pursuant to Section 4241, these reports shall be prepared biannually. The Attorney General may apply for a civil commitment pursuant to State law for persons committed pursuant to Sections 4243 or 4246. 18 U.S.C. §4247.

The table that follows illustrates the operation of 18 U.S.C. Ch. 313.

### Application of Chapter 313 Offenders With Mental Defect or Disease

STATUTORY SECTION	ROLE OF THE ATTORNEY GENERAL AND THE BUREAU OF PRISONS	ROLE OF STATE/LOCAL GOVERNMENT OR AGENCIES
Pretrial	Pretrial	Pretrial
§4241(a),(b),(c) — Examination to determine defendant's competency to stand trial.	<p>The defendant may be committed for a reasonable period (not to exceed 30 days) for examination; the court may approve a 15-day extension.</p> <p>The examination will be conducted at the nearest BOP facility, if practicable.</p>	<p>The court may permit a psychiatrist or psychologist in the community to conduct the examination. This is particularly appropriate if the defendant is on bond.</p> <p>The Bureau of Prisons will not cover the cost of an examination conducted in the community.</p>
§4241(d) — Determination whether the defendant will attain competency.	<p>If incompetent, the defendant must be committed for a reasonable period of time (not to exceed 4 months) for treatment to regain competency. <u>See United States v. Shawar</u>, 865 F.2d 856 (7th Cir. 1989). The defendant may be committed for an additional reasonable period until either the defendant attains competency or until charges are dropped. <u>See United States v. Baker</u>, 807 F.2d 1315 (6th Cir. 1986).</p> <p>The director of the facility must determine whether the defendant is suffering from mental disease or defect such that releasing him or her would pose a substantial threat of harm to others. If so, the director must file a §4246(a) certificate. <u>See United States v. Wheeler</u>, 744 F. Supp. 633 (E.D. Pa. 1990).</p> <p>The director of the facility must file reports biannually regarding the defendant's progress.</p>	

STATUTORY SECTION	ROLE OF THE ATTORNEY GENERAL AND THE BUREAU OF PRISONS	ROLE OF STATE/LOCAL GOVERNMENT OR AGENCIES
Pretrial	Pretrial	Pretrial
<p>§4242 — Examination of a defendant who intends to rely on the defense of insanity.</p> <p>Where the defendant is competent, only he or she may raise a defense of insanity. <u>See United States v. Marble</u>, 940 F.2d 1543 (D.C. Cir. 1991).</p>	<p>The defendant may be committed for a reasonable period (not to exceed 30 days) for examination; the court may approve a 15-day extension.</p> <p>The examination will be conducted at the nearest BOP facility if practicable.</p>	<p>The court may permit a psychiatrist or psychologist in the community to conduct the examination. This method is particularly useful if the defendant is out on bond. <u>See In re Newchurch</u>, 807 F.2d 404 (5th Cir. 1986).</p> <p>The Bureau of Prisons will not cover the cost of an examination conducted in the community.</p>

STATUTORY SECTION	ROLE OF THE ATTORNEY GENERAL AND THE BUREAU OF PRISONS	ROLE OF STATE/LOCAL GOVERNMENT OR AGENCIES
Post-trial	Post-trial	Post-trial
§4243(a) — The defendant is found not guilty by reason of insanity.	The acquittee must be committed to a suitable facility, including a Bureau of Prisons facility, for examination to determine if his or her release would create a substantial risk of harm to others.	The acquittee must be committed to a suitable facility.  The Attorney General may seek civil commitment under State law. <u>See</u> 18 U.S.C. §4247(i)(B).
§4243(e) — The Court determines that releasing the acquittee would create substantial risk of harm to others.	The acquittee must be committed to the custody of the Attorney General.  The acquittee will remain hospitalized until the Attorney General is able to arrange for release to the State where the acquittee was domiciled (or tried) for treatment and care, or until the acquittee's condition has improved such that release would no longer pose a risk of harm to others.  The director of the facility must file annual reports regarding the acquittee's condition. <u>See</u> 18 U.S.C. §4247(e).	The State may agree to assume responsibility for care and treatment of the acquittee; this includes assuming all financial responsibility.  The director of the facility must file annual reports with the court regarding the acquittee's condition. <u>See</u> 18 U.S.C. §4247(e).  <b>NOTE:</b> The State may not release the acquittee without an order from the committing court. <u>See United States v. Husar</u> , 859 F.2d 1494 (D.C. Cir. 1988).
§4243(f) — The director of the facility determines that the acquittee should be released.	The director of the facility must file with the court a certificate stating that the acquittee is ready to be released conditionally or unconditionally.  The acquittee may not be released without court order.	The director of the facility must file, with the court, a certificate stating that the acquittee is ready to be released.  The acquittee may not be released without a court order. <u>See United States v. Husar</u> , 859 F.2d 1494 (D.C. Cir. 1988).
§4244(a) — Determination whether the convicted person is suffering from mental disease or defect.	The defendant may be committed for a reasonable time (not to exceed 30 days) for examination.  The examination will be conducted at the nearest BOP facility if practicable.	The court may permit a psychiatrist or psychologist in the community to conduct the examination.  The Bureau of Prisons will not cover the cost of an examination conducted in the community.

STATUTORY SECTION	ROLE OF THE ATTORNEY GENERAL AND THE BUREAU OF PRISONS	ROLE OF STATE/LOCAL GOVERNMENT OR AGENCIES
Post-trial	Post-trial	Post-trial
§4244(d) — A convicted defendant who is suffering from mental disease or defect.	<p>The defendant must be committed for hospitalization in a suitable facility under a provisional sentence.</p> <p>The director of the facility must file annual reports regarding the defendant's condition. See 18 U.S.C. §4247(e).</p> <p>When the defendant no longer suffers from a disease or defect, the director shall file a certificate with the court; the court may modify the provisional sentence.</p>	
§4245 — An inmate suffering from mental disease or defect who refuses transfer to a more suitable facility.	The inmate may be hospitalized only after a court order (the court may order an examination pursuant to §4247(b) prior to holding a hearing on the question of transfer).	
§4246(a) — An inmate who is due for release but continues to suffer from mental disease or defect.	The director of the facility may file a certificate with the court if, solely because of the person's mental condition, his or her release would create substantial risk of injury to others.	
§4246(d) — An inmate who cannot be released because a mental condition creates risk of harm to others.	<p>The inmate shall be committed until the State will assume responsibility for the inmate or the person's condition improves such that release would not create a risk of harm to others.</p> <p>The Attorney General shall try to make arrangements for the State to assume responsibility for the inmate's care and treatment.</p>	<p>The State may agree to assume responsibility for the care and treatment of the person.</p> <p>The Attorney General may seek civil commitment under State law. See 18 U.S.C. §4247(i)(B).</p>

NOTE: 18 U.S.C. §4247(i)(A) authorizes the Attorney General to contract with a State, locality, or private agency for the confinement, hospitalization, or treatment of a person committed pursuant to Chapter 313.



# Counseling and Treatment Activities

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In addition to court-ordered mental health services, the Bureau offers a wide range of programs and services to meet the needs of confined offenders. The following section describes major programs that are available.

## *Psychology Services*

All inmates are screened by Psychology Services staff during the institution's Admission and Orientation Program. Screening may include an individual interview. Psychologists are available for individual and group psychotherapy. Inmates interested in these services can submit a request for participation to a staff member in Psychology Services. Mental health services are offered to combat drug and alcohol abuse, as well as other behavioral and emotional problems.

Each unit has a psychologist available to provide inmates with counseling and other mental health services. In some cases, the psychologist has an office in the unit, where he or she can conduct ongoing counseling programs, conduct personal crisis intervention, and be accessible to inmates for other services. Bureau institutions also have staff or contract psychiatrists, who are available by appointment for individual problem-solving.

## *Counseling Services*

There are many alternatives for inmates who have personal problems they desire to correct. The staff of each unit are available for informal counseling sessions and they conduct formal group counseling activities through Alcoholics Anonymous, self-image, and other voluntary groups. Inmate participation in these activities is encouraged, but participation is voluntary.

## *Treatment of Sex Offenders*

In August 1990, the Bureau initiated a Sex Offender Treatment Program (SOTP) at the Federal Correctional Institution in Butner, North Carolina. This program, whose full enrollment is 24 inmates, accepts referrals from other Bureau institutions and the Federal courts. The SOTP has the following criteria for admission:

- Participants must have a documented history of sex offenses, but it is not required that they currently be incarcerated for a sex offense.
- Participants must be volunteers, with a maximum of 24 months and a minimum of 12 months remaining on their current Federal sentences.
- Inmates are not eligible to participate if they have detainers pending, if they have committed psychotic or sadistic crimes, if they are mentally retarded, or if they have lengthy non-sex-offense criminal histories.

The SOTP focuses on sex offenders who are in the final stages of their incarceration. Most state-of-the-art correctional sex offender treatment programs are based on the principle that intensive treatment is most effective just before the participants are released on parole. A coordinated effort is made with parole authorities, as well as community corrections providers, to maintain the offender's improved condition.

# Drug, Alcohol, and Related Treatment Programs

Drug treatment is a particularly important program in the Bureau of Prisons because it is generally accepted that drug abusers who redirect their lives are less likely to recidivate. Moreover, because of the importance of drug treatment issues to the court at the time of sentencing, the Bureau is committed to providing adequate resources for offenders who have moderate to severe substance abuse problems.

The Bureau must balance limited program resources against the crowding caused by a rapidly increasing population. In particular, the percent of Federal inmates who are drug offenders (61.4 percent as of December 1994) has grown considerably in recent years. The percent of Federal inmates who are drug offenders has doubled in the last 10 years.

Not all drug offenders are substance abusers; however, 30.5 percent of Federal inmates have moderate to severe substance abuse problems, and this figure is sure to increase as current initiatives on drug law enforcement continue.

In FY 1994, more than 15,000 Federal inmates were involved in one or more of the drug treatment programs offered throughout the Bureau. The treatment of drug abusers varies with the nature, severity, and length of their abuse histories, as well as the drug or drugs they have used. Program options and requirements include drug education, non-residential, residential, and transitional services programs.

To meet the needs of inmates with substance abuse problems, each Bureau facility has a substance abuse program that includes screening all inmates upon admission, identifying the extent of their drug problems (if any) and providing drug education. While the Bureau has provided treatment programs to inmates since the mid-1960's, new approaches are now being used.

A total of 34 residential treatment units, each with a capacity of approximately 100 inmates, offer 6-12 months of structured treatment. These programs are followed by an intensive community supervision and treatment phase during which the offender resides in a community corrections center. This high level of program activity allows properly motivated inmates to further test the skills learned in the institutional programs in the community while remaining under supervision. This "Transitional Drug Services" program helps to ensure the safety of the community.

The court should feel free to recommend residential substance abuse treatment programming for inmates whose criminality is clearly linked to personal substance abuse. When amenable to programming (as confirmed by Bureau staff), a typical inmate's optimum program duration is 24-30 months prior to release, inclusive of 6 months in a community facility that provides additional drug treatment. Residential drug treatment programs are considered most effective when delivered shortly before an inmate is released. Therefore, inmates volunteering for residential programs normally cannot enter those programs until they have served a considerable portion of their sentences; this is the way the program is intended to function. While awaiting placement in a residential program, however, inmates with histories of drug abuse may participate in drug education programs and/or non-residential drug treatment programs.

When appropriate offenders requiring drug treatment come before the court for sentencing, the Bureau will cooperate as fully as possible with the court in identifying a specific treatment program for them. Given the growing demand in this area, the Bureau is committed to expanding its drug treatment programs.

The Bureau has an ongoing research and evaluation component developed in coordination with the National Institute on Drug Abuse to determine the

effectiveness of the treatment programs and the relative effectiveness of their components. The Bureau will continue to refine its programs to meet the needs its population.

### ***Urine Surveillance Program***

The Bureau has a well-developed program to detect and deter illicit drug traffic and use in its institutions. This program is necessary due to the potential impact such use would have on inmate and staff safety, as well as institutional security. Urine screening is a major element of the program. Inmates involved in community activities are routinely tested for the use of illegal drugs, and other inmates are tested based on individualized suspicions that they are using drugs. In addition, a random sampling of the total inmate population of each institution is tested monthly.

The urinalysis includes tests for morphine, methadone, codeine, other opiates, barbiturates, amphetamines, cocaine and cocaine metabolite, phencyclidine, and THC (found in marijuana). The number of positive test results for the random tests continues to be very low — 1.2 percent for FY 1994. Disciplinary action is initiated against all inmates who test positive for unauthorized substances, including the loss of a previously earned early release due to successful drug abuse treatment completion.

# Family Emergencies and Temporary Releases

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When a family emergency occurs, an inmate may be permitted to make a bedside visit or attend a funeral when public safety can be ensured. Emergency travel may be permitted when the situation involves a member of the immediate family — parent, sibling, spouse, child, step-parent, or foster parent. Visits are not permitted to members of the extended family except in very special circumstances, such as when an offender was raised by the family member (such as an aunt or grandparent).

The offender's custody classification determines if the trip is approved and the way in which the trip is made, and therefore the costs incurred. Only an offender with "community" custody (the lowest category) is eligible for a furlough. Others may be considered for a trip under staff escort.

When an inmate is notified of an emergency and requests an emergency visit, the Chief U.S. Probation Officer in the district that the offender desires to visit is notified and asked to verify the claim. When a deathbed visit is requested, a doctor's certification is required, indicating that the patient is in grave condition and not expected to recover.

## *Furloughs*

A furlough is an authorized absence from an institution by an inmate who is not under escort by a Bureau of Prisons staff member, a U.S. Marshal, or other Federal or State agent. 28 C.F.R. §570.30. The authority to approve furloughs has been delegated, pursuant to 18 U.S.C. §3622 and 28 C.F.R. §570.32, to the warden or acting warden of the facility in which the inmate is held.

Furloughs are not a right, but a privilege intended to help inmates attain correctional goals, including developing release plans; reestablishing family ties; participating in educational, social, and recreation-related activities; and receiving medical treatment. 28

C.F.R. §§570.30, 570.32. Except where the purpose of the furlough is to obtain necessary medical (or dental or psychiatric) treatment, or to transfer to another facility, the inmate or the inmate's family must bear all expenses of the furlough, including transportation. If requested, the Bureau will inform the court if a particular inmate is being considered for a furlough.

Only inmates who have less than 2 years remaining until their anticipated release dates and who have community custody are eligible for non-emergency furloughs. 28 C.F.R. §570.34. Ordinarily, inmates with histories of violence, aggressive sexual behavior, pornography, or high-level involvement in drug trafficking are not granted furloughs. 28 C.F.R. §570.35. Inmates who meet these and other requirements set forth in 28 C.F.R. §570.34 may submit applications for furlough. Furloughs may be granted for the following purposes:

- Visiting dying immediate family members.
- Attending the funeral of immediate family members.
- Obtaining medical services not otherwise available.
- Contacting prospective employers.
- Establishing or re-establishing family or community ties.
- Transferring directly to another institution.
- Participating in selected educational, social, civic, and religious activities that will facilitate release transition.
- Any other significant reason consistent with the public interest.

### ***Escorted Trips***

An inmate who has a level of custody other than "community" may be eligible for a trip with an escort of one or more correctional officers, depending on the security classification involved. 28 C.F.R. §570.40.

The costs of an emergency escorted trip must be paid by the prisoner or the family. The Government assumes the salary expense for the first 8 hours of each day for the escorts. All other costs, including any additional time required of the escorts and the transportation of the inmate and the escorts, must be borne by the offender or the family.

### ***Central Inmate Monitoring System***

The Central Inmate Monitoring System (CIMS) is used by the agency's Central and Regional Offices to monitor and control the transfer, temporary release, and participation in community activities of inmates who present special management considerations. 28 C.F.R. §524.70-.78.

Designation as a CIMS case does not, in and of itself, prevent an inmate from participating in community activities. All inmates who are designated as CIMS cases will be so notified by their case managers. Inmates in this category who apply for non-emergency community activities are encouraged to apply in ample time to allow the institution to obtain necessary clearances.

# Release Programming

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Every inmate in Bureau custody will be provided access to a comprehensive, in-house pre-release program before reintegration into the community. Inmates will be given assistance in developing plans for their personal lives and for work. These programs include classes and information seminars concerning the personal, social, and legal responsibilities of civilian life. Information sessions are routinely scheduled with U.S. Probation Officers, U.S. Parole Commission members, representatives of other agencies, and employers.

The Bureau will notify the court of an inmate's impending release, should the court so desire. The most effective means to ensure notification is to include the request in the "Statement of Reasons" section of the Judgment and Commitment Order.

The Bureau confines inmates who have been sentenced under both the Sentencing Reform Act of 1984 and predecessor statutes. Offenders sentenced under either statutory structure may be released to the community, discharged to a detainer, or deported. Inmates sentenced under the "old law" (before the Sentencing Reform Act) may be paroled to the community after the U.S. Parole Commission has approved a parole plan that includes a job and a reputable place to reside. Inmates sentenced under the Sentencing Reform Act ("new law") are not eligible for parole. 18 U.S.C. §§4201-4218, repealed by the Sentencing Reform Act of 1984.

Sentenced inmates who are not paroled may be released at the expiration of the sentence or upon the mandatory release date, which reflects a deduction of statutory good time [18 U.S.C. §4161] and extra good time [18 U.S.C. §4162] for "old law" offenders, or good conduct credit for "new law" inmates. Whether the offender is released on parole, at expiration of sentence, or on a mandatory release, the release may involve participation in a community corrections program.

As offenders become eligible for release, administrators consider a number of factors in making community placement decisions. One such factor is participation in the Financial Responsibility Program. If the offender is a participant making satisfactory progress, and he or she does not present a danger to the community, he or she may participate in community programs, so that upon release that inmate will have a job and a place to reside.

Community supervision is an important part of many offenders' lives after prison. The U.S. Probation Service plays an important role in this process, and Bureau staff work closely with that agency to ensure that each inmate who is subject to supervision requirements has the benefit of a verified, practical release plan. Probation staff also work closely with CCC staff to effectively mesh post-release supervision requirements with center programs.

Many inmates in Bureau institutions are eligible for placement in a CCC for the final portion of their sentences. This time is used either to assist the inmate in obtaining employment or give the inmate specialized training and treatment, or to facilitate the transition to the community after a lengthy period of incarceration. As with any other management decision, public safety is the agency's first concern, and not every offender qualifies for this type of program. Inmates in the following categories shall not ordinarily participate in CCC programs:

- Aggressive sex offenders whose current offenses or behavior histories indicate involvement in predatory or assaultive sexual behavior, child sex offenses, forcible sodomy, rape, white slavery, kidnapping with the intent to commit rape, or other sexual offenses including aggressive or predatory sexual misconduct in an institution.
- Deportable aliens.

- Inmates who require psychological or psychiatric treatment or inpatient medical care.
- Inmates refusing to participate in the Inmate Financial Responsibility Program.
- Inmates with unresolved or pending charges or detainers.
- Inmates serving sentences of 6 months or less.
- Inmates who pose a significant threat to the community.

Release-readiness programs are available in all institutions for all inmates. If inmates do not qualify for CCC placement, institution staff offer assistance in establishing community resources.

# Sentence Computation

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Pursuant to the Sentencing Reform Act of 1984, inmates convicted of offenses committed on or after November 1, 1987, are not eligible for parole. These "new law" inmates serve their sentences in their entirety, reduced only by credit for satisfactory behavior (good conduct time) and credit for prior custody (jail credits). 18 U.S.C. §§3624(b), 3585(b). The Bureau, through Inmate Systems Management staff, calculates prisoners' exact sentences. U.S. v. Wilson, - U.S.-, 112 S. Ct. 1351, 117 L.Ed.2d 593 (1992) (the Attorney General, through the Bureau of Prisons, has the responsibility for administering the sentence).

## *Good Conduct Time*

Prisoners who are serving terms of imprisonment greater than 1 year (but less than life) are eligible for good conduct time credits. At the end of each year served, prisoners may receive as many as 54 days of credit towards completion of their sentences. Inmates who are found to have violated disciplinary rules may be punished by having some or all of their good conduct time credits withheld (see the discussion of the agency's disciplinary process). In order to receive the full 54-day credit, prisoners serving a sentence for a non-violent crime must have displayed satisfactory compliance with institution disciplinary rules. Prisoners serving a sentence for a crime of violence must have shown exemplary compliance with disciplinary regulations. 18 U.S.C. §3624(b).

Good time credits toward a prisoner's service of sentence are not vested unless the inmate has earned or is making satisfactory progress toward a high school diploma or an equivalent degree. For those inmates who meet this qualification, credits become vested at the time they are awarded (that is, at the end of the year). Once good conduct time credits are vested, they cannot be withdrawn for misconduct in later years.

The relevant statute provides that each inmate is eligible to earn 54 days of credit "at the end of each year of his term of imprisonment," but this does not mean that inmates serve only 311 days for every year of imprisonment imposed. For example, consider the case of an inmate sentenced to a 3-year term of imprisonment on January 1, 1992. On January 1, 1993, the inmate receives 54 days good conduct time, leaving 676 days remaining in his or her sentence (2 years minus 54 days). On January 1, 1994, the inmate receives another 54 days of good conduct time, leaving 257 days remaining in his or her sentence (1 year minus 108 days). The inmate will not earn another 54 days of good conduct time against his or her sentence after January 1, 1994, because he or she does not have 365 days remaining to serve. Instead, the final award of good conduct time will be prorated for the final 257 days, resulting in an award of 33 days. The total deduction against the sentence in this case is 141 days (54+54+33), not 162 (54+54+54).

Due to the language of 18 U.S.C. §3624(c), inmates who are sentenced to a term of imprisonment for 1 year may serve more time than inmates sentenced to a term of one year and one day. This is because the latter group will often receive at least some of the good conduct credits for which they are eligible. This situation appears somewhat anomalous but is required by statute.

Inmates sentenced for offenses committed before November 1, 1987 ("old law" inmates), were, until 1989, eligible to accrue both statutory good time (18 U.S.C. §4161 [up to 10 days for each month depending upon length of sentence]) and extra good time (18 U.S.C. §4162 [up to 5 days for each month]). Statutory good time may be forfeited in whole or in part if the prisoner violates institution rules or commits any offense. 18 U.S.C. §4165. Extra good time vests upon award and may not be



withheld, forfeited, or retroactively terminated or disallowed. 28 C.F.R. §523.17(q).

The warden may, upon recommendation by staff, disallow (for a period of 1 month) or terminate the award of extra good time, and the disciplinary hearing officer may do the same as a disciplinary sanction. 28 C.F.R. §523.10. Statutory good time credits, unlike good conduct time credits, are based on the length of sentence imposed, and not the amount of time served. If the prisoner's statutory good time rate is 10 days per month (totaling 120 days per year), he or she would serve only 245 days per year of sentence imposed ( $365-120=245$ ).

### ***Jail Credits***

Prisoners are given credit ("jail credit") toward service of their sentences for any time spent in official detention prior to the date their sentences commence. For it to count as jail credit, the time in detention must have been served as a result of the offense for which the sentence was imposed, or as a result of any offense (State or Federal) for which the defendant was arrested after committing the offense for which the sentence was imposed. 18 U.S.C. §3585(b). The time must not have been credited against any other sentence. Slightly different rules govern jail credits for "old law" inmates.

The Attorney General, through the Bureau of Prisons, calculates the amount of credit to award after the defendant has begun to serve his or her sentence. United States v. Wilson, - U.S.- 112 S. Ct. 1351 (1992). Despite the absence of any specific language in the statute, it is the Attorney General, rather than the District Court, who initially calculates how much credit to award. This calculation is not insulated from judicial review, as inmates may challenge the award of jail credit by writ of habeas corpus pursuant to 28 U.S.C. §2241, after exhausting the agency's Administrative Remedy process. United States v. Wilson, - U.S.- 112 S. Ct. 1351, 117 L.Ed.2d 593, 60 U.S.L.W. 4244 (1992).

# Parole

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Many inmates sentenced to a term of imprisonment of more than 1 year, for offenses committed before November 1, 1987 ("old law" offenders), are eligible to be released on parole. 18 U.S.C. §4205; 28 C.F.R. §2.2. Generally, prisoners must complete one third of the term imposed or some other court-imposed minimum term before becoming eligible for parole. 28 C.F.R. §2.2.

A Federal prisoner seeking parole must fill out an application for parole, which is available at every Bureau facility. 28 C.F.R. §2.11. At least 60 days prior to the initial parole hearing, the inmate is notified of the time and place of the hearing and of the right to review all documentation to be considered by the Parole Commission. 28 C.F.R. §2.11(e).

An initial hearing is conducted generally by a panel of two hearing examiners, who review the severity of the inmate's offense, his or her institutional conduct, and any other factor deemed relevant by the panel. 28 C.F.R. §2.13. The examiners establish a presumptive parole date, an effective date of parole, or a continuation to a 15-year reconsideration hearing, or they determine that the inmate shall be released at the expiration of sentence via mandatory release. 28 C.F.R. §2.12(b). An effective or presumptive parole date may be advanced or rescinded in subsequent parole proceedings, depending upon the inmate's behavior while in custody. 28 C.F.R. §2.12(d).

The Bureau of Prisons does not have the authority to grant parole to inmates; the granting of parole lies solely within the purview of the Parole Commission. 28 C.F.R. §2.18.

The Bureau does, however, furnish the Parole Commission with information on the inmate's conduct while incarcerated and other recommendations that will aid the hearing examiners in reaching a parole decision. 28 C.F.R. §2.19(1).

In addition to the reports and recommendations submitted by the Bureau of Prisons, the Parole Commission considers reports of the prisoner's criminal record, presentence investigation reports, recommendations made by the prosecutor and sentencing judge, and any relevant information submitted by interested persons. 28 C.F.R. §2.19. Generally, prisoners will be released on parole only after establishing legitimate employment, an approved residence, and the availability of aftercare (for prisoners who are ill). 28 C.F.R. §2.33.

An inmate will be released on parole on the effective date indicated on the certificate of parole delivered to the inmate. When the effective date falls on a weekend or holiday, the warden may release the inmate on the first workday preceding such date, provided that the release date does not precede the parole eligibility date. 28 C.F.R. §2.29.

Every parolee is required to abide by a number of conditions, including reporting regularly to the probation officer, not leaving the geographic limits set by the Parole Commission without first receiving permission from the probation officer, and not violating any law or associating with any persons engaged in criminal activity.

In rare circumstances, the Bureau may file a motion with the sentencing court seeking to make an "old law" offender immediately eligible for parole by reducing the minimum term of the sentence to the amount of time already served. 18 U.S.C. 4205(g); 28 C.F.R. §572.40. In the event that the sentencing court grants such a motion, the warden of the institution where the inmate is confined shall schedule the inmate for a parole hearing at the earliest possible date. 28 C.F.R. §572.43.

Inmates may submit a written request to the warden for a 4205(g) motion when there are particularly meritorious or unusual circumstances that were

unforeseeable at the time of sentencing. 28 C.F.R. §572.41. The warden will promptly review such requests and determine whether to refer the matter with a recommendation to the regional director. 28 C.F.R. §572.43.

The regional director then determines whether to forward the matter with a recommendation to the Office of General Counsel, which in turn forwards the matter to the Director of the Bureau of Prisons for a final decision. 28 C.F.R. §572.43. If the warden or the regional director denies such a request the inmate may appeal the denial through the administrative remedy procedure.

# Sentence Modification

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The President has the power to issue pardons, commute sentences, remit fines, and grant reprieves to any person convicted of a Federal crime. United States Constitution, Article II, Section 2; 28 C.F.R. §1.4. The United States Pardon Attorney reviews all petitions for executive clemency, undertakes the necessary investigation, and prepares a recommendation for the President. Federal prisoners seeking executive clemency should secure the necessary form from the Office of the Pardon Attorney, or from the warden at the Federal correctional facility. Upon receiving notification that an inmate has filed for commutation of sentence, the warden shall forward relevant information to the Pardon Attorney for consideration.

Petitions for commutation of sentence (including remission of fine) are a last resort to be used only if relief cannot be obtained from the United States Parole Commission, or if extenuating circumstances exist, such as critical illness or meritorious service rendered by the petitioner. 28 C.F.R. §1.3. In the event that a Federal prisoner is granted a commutation of sentence, he or she shall be notified through the warden at the place of his or her confinement. 28 C.F.R. §1.7.

The Bureau has the authority to file a motion with the sentencing court to reduce the inmate's term of imprisonment where extraordinary and compelling circumstances arise concerning inmates who were sentenced under the 1984 Sentencing Reform Act. 18 U.S.C. §3582(c)(1)(A). (For "old law" inmates, see discussion of Section 4205[g] under the heading "Parole.") The Bureau ordinarily files such motions only in cases of serious illness.

Prisoners seeking a pardon (rather than commutation of sentence) must wait at least 5 years after their release from confinement, or, if no confinement was imposed, 5 years after the date of conviction. 28 C.F.R. §1.2. No petition should be submitted by a person who is on probation or parole.

# Disciplinary Process

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Pursuant to 18 U.S.C. §4042(3), the Bureau has created a disciplinary process to ensure that inmates live in a safe and orderly environment. Only institution staff may take disciplinary action against inmates. Corporal punishment, as well as retaliatory and capricious disciplinary action, is not permitted under any circumstances. 28 C.F.R. §541.10.

In Wolff v. McDonnell, 418 U.S. 539 (1974), the Supreme Court held that prison disciplinary proceedings must contain certain due-process protections if the process could result in the prisoner losing good time credits. Prohibited acts under the agency's disciplinary code are punishable by loss of good time. Accordingly, the Bureau has fashioned its disciplinary process to incorporate the protections required by Wolff v. McDonnell. 28 C.F.R. §541.

A list of prohibited acts, divided into categories according to severity, applies in all Bureau institutions. Immediately after arriving at a Bureau facility, all inmates are advised, in writing, of their rights and responsibilities, the list of prohibited acts, and the specifics of the disciplinary system. The list of prohibited acts includes killing (greatest severity), refusing to provide a urine sample (greatest), engaging in sexual acts (high), refusing to work (moderate), gambling (moderate), and possession of property belonging to another (low moderate). Violations have corresponding sanctions, including time in disciplinary segregation, disallowance of good time credits, loss of privileges, and verbal warnings. 28 C.F.R. §541.13.

Each institution must follow the disciplinary process set forth in 28 C.F.R. §541, beginning with the incident report and notice to the inmate, and continuing through appeal of the decision of the unit discipline committee (UDC) or the discipline hearing officer (DHO). 28 C.F.R. §§541.14-541.19.

When a staff member witnesses a violation of Bureau regulations, he or she must prepare an incident report

(with the exception noted below) and promptly forward the report to the appropriate lieutenant. The lieutenant reviews the report and forwards it for investigation. Not every violation must result in an incident report. Staff are encouraged, when appropriate, to resolve violations informally. 28 C.F.R. §541.14. Additionally, after a report is filed, the lieutenant may decide to resolve the incident informally and expunge the report from the inmate's file (so long as the violation was not in the highest offense category). 28 C.F.R. §541.14.

At the outset of each investigation, the staff investigator provides the inmate with a copy of the incident report at least 24 hours prior to the initial hearing and reads the charges to the inmate. 28 C.F.R. §541.15. The inmate is advised that he or she has the right to remain silent throughout the disciplinary process but that an adverse inference may be drawn from that silence. 28 C.F.R. §541.14; and Baxter v. Palmigiano, 425 U.S. 308 (1976).

Once the investigator has completed the investigation, he or she forwards all relevant material to the UDC, who conducts the initial hearing. This initial hearing is ordinarily held within 3 work days of the incident report being filed. In order to ensure impartiality, no member of the UDC may have been the reporting or investigating officer, nor may a member have witnessed the incident. Inmates have the right to be present at the initial hearing (unless the UDC concludes that the inmate's presence would jeopardize institutional safety), to make a statement, and to present documentary evidence.

If the UDC finds (based on at least some facts, and if there is conflicting evidence, based on the greater weight of the evidence) that the inmate committed the offense as charged, the UDC may impose minor sanctions such as loss of privileges, loss of job, and restriction to quarters. 28 C.F.R. §541.13. If the UDC concludes that the inmate did not commit the

prohibited act, the UDC expunges the inmate's file of all relevant documents.

DHO through the Administrative Remedy Procedure. 28 C.F.R. §541.19.

If the UDC finds that the alleged violation warrants more severe penalties, such as disciplinary segregation or withholding of good conduct credits, the UDC will refer the charges to the DHO for further hearing. The UDC must refer — to the DHO — all alleged violations in the greatest severity category. 28 C.F.R. §541.15. Following the hearing before the UDC, the inmate is given a written copy of the committee's decision, and a record of the proceedings is placed in the inmate's file. 28 C.F.R. §541.15.

When the UDC refers charges to the DHO, the UDC advises the inmate of his or her right to have a staff representative appointed, and to have witnesses called on his or her behalf. 28 C.F.R. §541.15. The inmate may select the staff representative, so long as the employee was not a witness to the incident or otherwise involved. 28 C.F.R. §541.17.

The DHO hearing is held at least 24 hours after the inmate receives written notice of the pending charges. Inmates have the right to be present at the hearing, to make a statement, to submit a list of witnesses they wish to be called, and to present documentary evidence. Inmates do not have the right to have an attorney present.

The DHO calls those witnesses listed who "have information directly relevant to the charge(s) and who are reasonably available . . . The DHO shall request submission of written statements from unavailable witnesses who have information directly relevant to the charge(s)." 28 C.F.R. §541.17. If the inmate so desires, the staff representative may present favorable evidence (gathered by speaking to witnesses and reviewing documents) to the DHO regarding the merits of the charge(s) or regarding extenuating or mitigating circumstances.

The DHO will make a determination, using the same standards as those applicable to the UDC, whether the inmate committed the offense, and the DHO will impose an appropriate sanction. 28 C.F.R. §541.17. Inmates may appeal a decision by the UDC or the

# Administrative Remedies

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The Bureau encourages staff and inmates to resolve inmate complaints informally whenever possible. 28 C.F.R. §542.13. Because not all complaints are amenable to informal resolution, the Bureau developed the Administrative Remedy Procedure to resolve inmate complaints. 28 C.F.R. §542. This procedure applies to all inmates confined in Bureau institutions. Tort Claims, Freedom of Information and Privacy Act requests, and complaints on behalf of other inmates cannot be handled through the Administrative Remedy Procedure.

The Administrative Remedy Procedure involves all three of the Bureau's administrative levels: the institutions, the Regional Offices, and the Central Office. Each level is responsible for establishing procedures for receiving, reviewing, investigating, and responding to complaints. 28 C.F.R. §542.11. These procedures ensure that each complaint is acknowledged, investigated, and responded to in a timely fashion.

Inmates must file a formal written complaint at the institution within 15 days of the incident giving rise to the complaint; extensions of time will be granted where there is a valid reason for the delay. 28 C.F.R. §542.13. The warden of the institution must respond within 15 days of receiving the complaint. 28 C.F.R. §542.14.

If the inmate is dissatisfied with the response, he or she may file an appeal with the regional director. Appeals of disciplinary decisions decided by the DHO begin at the Regional Office level. The reason for this, in part, is to provide greater impartiality for reviews of disciplinary actions.

If not satisfied with the Regional Office decision, the inmate may appeal to the agency's Office of General Counsel in the Central Office. 28 C.F.R. §542.15. The response of the general counsel is the final agency decision. The Bureau considers an inmate to have

exhausted all administrative remedies once a response to a Central Office appeal is received.

The regulations allow for streamlining the process in unusual situations. If the inmate believes that the complaint is of a sensitive nature (such that he or she might be adversely affected if the nature of the complaint became known within the institution), he or she may file the complaint with the regional director along with an explanation why he or she has done so. 28 C.F.R. §542.13. If the complaint alleges that the inmate's health or welfare is immediately threatened, the warden must respond through the Regional Office within 48 hours of receiving the complaint. 28 C.F.R. §524.14.

Prisoners who file suits alleging only personal liability on the part of Federal officials need not exhaust the Administrative Remedy Procedure, [McCarthy v. Madigan, - U.S. - 112 S.Ct. 1081 (1992)], but courts may require prisoners to exhaust administrative remedies before filing other types of suits. McKart v. United States, 395 U.S. 185, 89 S.Ct. 1657, 23 L.Ed. 2d 194 (1969); and Johnson v. Luther, 516 F. Supp. 423 (N.D. Ill. 1981).

Inmates use the Administrative Remedy Procedure extensively. At the institutional level, the most frequent subjects are staff, medical treatment, and classification issues. At the Regional and Central Office levels, the most frequent subjects are disciplinary action, sentence computation, and legal matters.

# Inmate Accident Compensation

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If an inmate is injured while performing an assigned duty, he or she must immediately report the injury to the work supervisor. The work supervisor will secure medical treatment for the inmate and file an injury report with the institution safety manager for review. The inmate may be disqualified from receiving compensation if he or she fails to report a work injury promptly.

Pursuant to 18 U.S.C. §4126, and 28 C.F.R. Part 301, Federal Prison Industries, Inc. (FPI, or UNICOR), compensates inmates for all injuries caused by the actual performance of their work assignments in FPI or in other paid work assignments in the institution. Inmate Accident Compensation — through either the Lost-Time Wage Program or the Compensation for Work-Related Physical Impairment or Death Program — is the exclusive remedy available to inmates who sustain work-related injuries. Inmates may not recover damages for work-related injuries. Federal Tort Claims Act, 28 U.S.C. §2671, et seq., and United States v. Demko, 385 U.S. 149, 87 S.Ct. 382, 17 L.Ed.2d 258 (1966).

## ***Lost-Time Wage Program***

Inmates who are injured in the course of performing their work assignments and miss at least 3 consecutively scheduled work days may receive lost-time wages equal to 75-percent of the standard hourly rate for their regular work assignments. This award continues until the inmate is released, is transferred to another institution (for reasons unrelated to the injury), returns to the work assignment, or refuses to return to work. 28 C.F.R. §§301.202-3. The Institution Safety Committee oversees the Lost-Time Wage Program.

## ***Other Compensation***

Former Federal inmates (or their dependents) may be compensated for physical impairment or death that results from injuries incurred while performing work assignments at a Federal correctional institution. Inmates who believe that they suffer residual physical impairment as a result of a work-related injury must submit a claim prior to their release from custody. 28 C.F.R. §301.303. The claimant must then submit to a medical examination to determine the extent of the injuries, and a report is forwarded to the Bureau's Central Office in Washington, D.C. 28 C.F.R. §301.303.

The amount of compensation awarded a claimant depends upon the degree of physical impairment, if any, existent at the time the claimant was released from custody. 28 C.F.R. §301.314. The provisions of the Federal Employees' Compensation Act (5 U.S.C. §8101, et seq.) are used when practicable. Awards for body members or organs covered under 5 U.S.C. §8107 are paid in a lump sum. Awards not covered by this section are paid on a monthly basis, since they are subject to periodic review of entitlement. Entitlement depends upon the claimant's physical and financial condition. All awards are based upon the minimum wage as prescribed by the Fair Labor Standards Act. 28 C.F.R. §§301, 314.

A claims examiner at the Central Office determines which claims are paid. A claimant who is dissatisfied with the decision of the examiner can, within 30 days of the decision, file a request for an in-person hearing before the Inmate Accident Compensation Committee or for a "reconsideration" by the Committee. 28 C.F.R. §§301, 306. The Committee will ordinarily act upon such requests within 60 days of receiving the request. 28 C.F.R. §§301, 307.

At in-person hearings, the claimant is afforded an opportunity to be heard and to present evidence. The claimant may appoint a representative, who need not be an attorney, to act on his or her behalf.



Committee members may question any witnesses appearing before them, and the claimant (or the claimant's representative) may ask relevant questions as well. 28 C.F.R. §§301.304,.309.

No later than 30 days after the hearing, the Committee must notify the claimant of its decision. 28 C.F.R. §301.312. Any claimant who is dissatisfied with the Committee's decision may appeal that decision by making a written request to the chief operating officer, Federal Prison Industries, Inc., within 90 days of the date of issuance of the Committee's decision. 28 C.F.R. §301.313.

# Realistic Expectations for Corrections

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Many prisoners have been identified by the court as people who pose a significant risk to the community (be it a physical threat or a threat to law and order), and who have been poorly motivated, unwilling, or unable to change in less stringent settings. Most of the offenders in prisons have failed to benefit by their past interactions with society's institutions, including the home, school, and church.

It is unrealistic to expect that prisons will successfully intervene in the lives of these offenders when other institutions have tried and failed. It is particularly unrealistic to expect prison programs to effectively change inmates for the better given the context in which they operate: a setting defined by deprivation of society's freedoms.

Prisons are not ideal settings for effecting change in attitude and behavior. Even the best-managed prisons have fewer resources and more constraints than the average community-based education, counseling, or job training program. Inmates are held against their will, away from family and friends, usually in a single-gender environment, under the supervision of staff who are by necessity concerned first and foremost with security.

The success of correctional programs frequently is measured by the ability of those released from the program to function in the community and not commit subsequent crimes. The problem with such a measure is that many factors beyond the control of prison administrators significantly affect the releasee's ability to succeed.

Releasees often return to drug-saturated neighborhoods populated by old associates who are not a positive influence. Destructive family relationships that may have helped precipitate criminal behavior often still exist. Virtually all inmates released from prison face stigmatization that creates major obstacles to leading a productive, crime-free life. In short, even

the best prison programs are often neutralized by adverse factors existing in the community to which the inmates return. Yet if the former inmate returns to crime, the prison system is said to have failed.

Considering these facts, what should society realistically expect from prisons?

- Society should expect that prisons will protect public safety; that is their first mission.
- It should expect that inmates will be confined safely and humanely; the Constitution and a basic sense of decency demand this, within reason (for example, the agency cannot provide complete isolation of all inmates in order to provide safety).
- It should expect prisons to provide inmates with a reasonable diversity of programs and services that will give them the opportunity to change if they want to — programs that constructively occupy inmates during confinement and equip properly motivated inmates for success upon release.

# Recidivism

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A releasee's ability to function successfully in the community requires more than simply remaining free from subsequent convictions. Accordingly, the Bureau defines recidivism in terms of rearrest: the errors of inclusion associated with false arrest data are generally considered less serious than the errors of omission associated with subsequent conviction data.

Using rearrest as a measure, the Bureau surveyed the post-release outcomes of all Federal offenders released in 1978, 1980, and 1982. For the 3 study years, the recidivism rates are as follows:

- 22 percent rearrested within 1 year.
- 34 percent rearrested within 2 years.
- 42 percent rearrested within 3 years.

The Bureau of Justice Statistics (BJS) performed a similar study (using less extensive methods) of offenders released from 11 State institutions in 1983 to determine if an offender had been rearrested. That study found the following recidivism figures:

- 39 percent rearrested within 1 year.
- 55 percent rearrested within 2 years.
- 63 percent rearrested within 3 years.

It is difficult to draw any conclusions from these figures. Nevertheless, these studies did disclose some general patterns regarding recidivism in both groups.

- Age at release and at first arrest appear to be two of the most important characteristics. That is, younger offenders are more likely to recidivate than are older offenders.
- Those offenders with a more extensive prior record (prior arrests, prior convictions, and prior commitments) are more likely to recidivate.
- Type of commitment offense also helps predict the likelihood of future criminal behavior. Individuals

committed for auto theft, burglary, robbery, and property offenses are most likely to be rearrested; offenders committed for drug offenses (dealers) are less likely to recidivate.

- Although not discussed in the BJS report or the studies of Federal offenders, there is some evidence that offenders with high rates of institutional misconduct are more likely to commit further offenses upon release.

Both the BJS and BOP studies revealed that recidivists are likely to commit the same or a similar crime as that for which they were initially convicted.

Research does not clearly indicate which types of programs work for specific types of offenders to reduce recidivism. However, a BOP study of 1987 releasees found that participation in prison education programs had a modest (3 to 4 percent) recidivism-reducing effect. Some now argue that past research has failed to show positive program effects as a result of weak evaluation design.

In a major study — whose results were reported in 1992 — of the effect of prison industrial employment on recidivism, the agency's Office of Research and Evaluation compared releasees who had been assigned to Federal Prison Industries, Inc. (FPI, or UNICOR) for at least 6 months, had received Bureau vocational training, or both, with a carefully selected control group of releasees who had not received the benefit of these programs.

The results indicated that inmates employed by Prison Industries or involved in vocational training had better institutional adjustment, were more likely to be employed after release to the community, and at the end of the first year of community supervision were less likely to be returned to prison. This study suggests the benefits of industrial employment extend beyond the institution to the community as well.

Currently, the agency's Office of Research and Evaluation is involved in several other program evaluations with regard to post-release criminality:

- The effects of boot camps on recidivism.
- Validation of the Sentencing Commission Criminal History Score.
- The effects of length of Prison Industries employment on post-release outcome (regarding employment and recidivism).
- The effects of prison misconduct on recidivism rates.
- The effects of drug treatment on recidivism.
- The implications of a 1990 study that revealed prisoners who received furloughs prior to release were less likely to recidivate.

# The Future

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The Bureau strives to deal with a rapidly increasing inmate population while providing every inmate with safe, humane conditions of confinement.

As the Bureau moves toward the 21st century, it is changing and evolving — not randomly, but through planned management action, with the personal and professional involvement of staff at all levels, and through a common vision of what the Bureau can and should be. This includes:

- Continuing to play a leading role in American corrections by increasing system capacity and enhancing programs.
- Building on its professionalism and reputation for doing the basics well. The Bureau will expand with innovation and the exploration of new programs, designs, and organizational structures.
- Basing operations on management strategies and new facility designs that are optimized for specific functions.
- Recognizing that Bureau institutions will continue to require dedicated staff; continuous efforts will be required to recruit, train, and retain personnel and to develop managers and leaders.
- Emphasizing accountability for operations, coupled with expanding internal systems that enable managers to assess more accurately the performance of their departments or branches, facilitating the wise and effective use of public resources.
- Continuing to develop and advocate community corrections and intermediate punishments short of full-scale imprisonment, as this will be an increasingly important segment of the criminal justice system in the future.

If the Bureau is to continue to be a positive factor in corrections in this country, those with an interest in its programs and services must continue to express their views and work together with Bureau staff to improve its operations.

Questions of a technical nature regarding the Bureau of Prisons and its relationship with the courts and other segments of the criminal justice system may be directed to the agency's community corrections manager in your area, any regional counsel, or the agency's general counsel, at 202-307-3062 or FTS: 367-3062.

Comments and questions about this publication or any aspect of the agency's operations can be directed to: Kathleen M. Hawk, Director, Bureau of Prisons, 320 First Street NW, Washington, D.C. 20534 (Telephone: 202-307-3250).

# Appendix A

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## *Facilities for Female Offenders*

### **Minimum-Security**

The Bureau of Prisons currently houses minimum-security female offenders in Federal Prison Camps at Alderson, West Virginia, and Bryan, Texas. Similar facilities for female inmates are also attached to the Federal Correctional Institutions (FCI's) at Danbury, Connecticut; Marianna, Florida; Pekin, Illinois; Butner, North Carolina; and Phoenix, Arizona. Finally, there are such camps at the Federal Medical Centers (FMC's) in Lexington, Kentucky, and Carswell AFB (Fort Worth, Texas).

### **Low-Security**

Low-security female inmates are housed at the Federal Correctional Institutions in Dublin, California, and Danbury, Connecticut.

### **High-Security**

Female offenders requiring high-security supervision are housed at the Federal Correctional Institution, Marianna, Florida.

### **Detention**

Many Metropolitan Correctional Centers and Metropolitan Detention Centers have units for female inmates, and there is a small detention unit for female inmates at the Federal Correctional Institution, Tucson, Arizona.

### **Medical**

Female inmates who have special medical needs are evaluated on a case-by-case basis, and, if deemed necessary, sent to one of two Federal Medical Centers

(FMC's) — at Carswell AFB (Fort Worth, Texas) or Rochester, Minnesota.

### **Intensive Confinement Center**

The Bureau operates an Intensive Confinement Center (ICC) for female offenders at the Federal Prison Camp, Bryan, Texas. This facility is patterned after the ICC at Lewisburg, Pennsylvania.

# Appendix B

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## *Medical Facilities*

Medical, dental, and psychiatric services at each institution are provided by staff or contract consultants. The level of care provided is consistent with standards of care in the community. Six Bureau facilities have been designated as major medical facilities, where at least part of the institution provides specialized health services.

The following provides a brief overview of the six current Bureau medical facilities, followed by three tables comparing which professional, contract, and in-house medical services are provided at each facility.

### **Federal Correctional Institution (FCI), Butner, North Carolina**

FCI Butner is located near the Research Triangle area of Durham, Raleigh, and Chapel Hill. It serves as a major mental health facility for male inmates.

Special services are available from community hospitals and by special contracts. The Federal Correctional Institution does not have infirmary or nursing coverage. Inmates who require acute medical care should not be considered for FCI Butner. FCI Butner has an expansive "campus" and the distances between living units and support services are difficult to negotiate by wheelchair. Generally, inmates must be capable of transporting themselves.

### **Federal Medical Center (FMC), Carswell AFB, Fort Worth, Texas**

Located in north central Texas, FMC Carswell serves as the major medical and psychiatric referral center for female Federal inmates.

Still in its activation phase at the time of this writing, FMC Carswell relies heavily on an extensive, comprehensive physician/hospital services contract

with the University of North Texas Health Science Center-Fort Worth to provide most specialty and subspecialty health care services, either at the institution or in the local community. Throughout the year, the institution will expand its capabilities to provide more in-house services.

### **Federal Medical Center (FMC), Fort Worth, Texas**

FMC Fort Worth is located in north central Texas, southeast of Fort Worth. FMC Fort Worth provides chronic care and skilled nursing services for male inmates.

Special services are available from community hospitals and by special contracts. Patients assigned to the long-term health care unit must be able to maintain their daily hygiene, as well as dress and feed themselves. Outpatient forensic studies can be performed at FMC Fort Worth.

### **Federal Medical Center (FMC), Lexington, Kentucky**

FMC Lexington is located 7 miles north of Lexington. Until recently, it served as the major medical and psychiatric referral center for female Federal inmates, but it is now a male-only facility.

Special services are available from community hospitals and by special contracts. Telemetry capabilities with ophthalmologists are available locally.

### **Federal Medical Center (FMC), Rochester, Minnesota**

Its location close to the Mayo Clinic provides excellent opportunities for consultation with Mayo practitioners. FMC Rochester serves as a major medical and mental health facility for male inmates.

Special services are available from community hospitals and by special contracts. Most specialty and subspecialty consultations are available through the Mayo Clinic.

### Medical Center for Federal Prisoners (MCFP), Springfield, Missouri

MCFP Springfield is located in southwest Missouri, approximately 210 miles southwest of St. Louis. MCFP Springfield is a major medical and psychiatric referral center for male inmates. Special services are available from community hospitals and by special contracts. These contract services include the areas of nuclear medicine, radiation therapy, ultrasound, echocardiology, doppler studies, coronary angioplasty, and cardiac bypass surgery. MCFP Springfield has extensive psychiatric and psychology capabilities.

AREA OF PROFESSIONAL CARE	BUTNER	CARS-WELL	FORT WORTH	LEXINGTON	ROCHESTER	SPRINGFIELD
• Anesthesiology		✓				
• Dentistry	✓	✓	✓	✓	✓	✓
• Emergency Medicine						✓
• Family Practice		✓	✓	✓	✓	
• General Surgery				✓		✓
• Hemodialysis		✓				✓
• Internal Medicine	✓	✓	✓	✓	✓	✓
• Neurology						✓
• Orthopedics						✓
• Psychiatry	✓	✓		✓	✓	✓
• Psychology	✓	✓	✓	✓	✓	✓

"Area of Professional Care" is defined as the medical specialty of the Bureau of Prisons staff physicians employed at each medical referral center.



AREA OF CONTRACT CARE	BUTNER	CARS-WELL	FORT WORTH	LEXINGTON	ROCHESTER	SPRINGFIELD
• Anesthesiology		✓	✓	✓		✓
• Cardiology		✓	✓	✓	✓	✓
• Dermatology	✓	✓	✓	✓		✓
• Endocrinology		✓	✓	✓		✓
• Eye, Ear, Nose, and Throat (EENT) Care		✓	✓	✓	✓	✓
• Gastroenterology		✓	✓	✓	✓	✓
• Infectious Disease Care		✓	✓	✓	✓	✓
• Internal Medicine		✓	✓	✓	✓	✓
• Nephrology		✓	✓	✓		✓
• Neurology	✓	✓	✓	✓	✓	✓
• Nuclear Medicine		✓		✓		✓
• Oncology			✓	✓		✓
• Ophthalmology		✓	✓	✓		✓
• Optometry	✓	✓	✓	✓	✓	✓
• Oral Surgery		✓		✓	✓	✓
• Orthopedics	✓	✓	✓	✓	✓	✓
• Pathology		✓	✓	✓		✓
• Plastic Reconstructive Surgery		✓	✓	✓		✓
• Podiatry	✓			✓		✓
• Psychiatry		✓	✓	✓		
• Pulmonary Disease Care		✓	✓	✓	✓	✓
• Radiation Therapy			✓	✓		✓
• Radiology	✓	✓	✓	✓	✓	✓
• Surgery	✓	✓	✓	✓	✓	✓
• Urology		✓	✓	✓	✓	✓
• Vascular Surgery		✓	✓	✓		✓

"Area of Contract Care" covers all inside and outside medical contract services at each medical referral center.

AREA OF IN-HOUSE SERVICE	BUTNER	CARS-WELL	FORT WORTH	LEXINGTON	ROCHESTER	SPRING-FIELD
• CT Scan Services			✓			✓
• Dentistry	✓	✓	✓	✓	✓	✓
• Dietary Services	✓	✓	✓	✓	✓	✓
• ECHO					✓	
• Doppler						✓
• EKG	✓	✓	✓	✓	✓	✓
• Emergency Room Services	✓		✓	✓*	✓	✓
• Handicapped Services	✓	✓	✓	✓	✓	✓
• Hospice			✓	✓	✓	✓
• Laboratory		✓	✓	✓	✓	✓
• Minor Ambulatory Surgery	✓		✓	✓	✓	✓
• Nuclear Medicine						✓
• Occupational Therapy			✓	✓		✓
• Oncology			✓	✓		✓
• Optometry	✓	✓	✓	✓	✓	✓
• Orthopedics		✓	✓	✓	✓	✓
• Pharmacy	✓	✓	✓	✓	✓	✓
• Physical Therapy	✓	✓	✓	✓	✓	✓
• Prosthetics/Orthotics			✓	✓		✓
• Radiology	✓	✓	✓	✓	✓	✓
• Recreational Therapy	✓			✓	✓	✓
• Respiratory Therapy				✓	✓	✓
• Speech Pathology			✓			✓
• Surgery				✓		✓
• Tele-Ophthalmology				✓		
• Ultrasound			✓	✓	✓	✓

\* FMC Lexington provides emergency services, but not emergency room services.

"Area of In-House Service" covers all medical services that are offered in-house by both contractors and staff.

# Appendix C

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## *List of Contact Persons in the Bureau of Prisons*

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